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CAZON

BILL 174

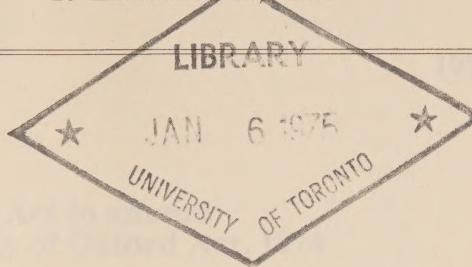
- Government Bill

X B

- B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

(60)



An Act to amend The County of Oxford Act, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The County Council is empowered to appoint an acting warden either on a specific occasion when the warden is absent or on a more permanent basis to act from time to time as required by reason of the absence of the warden.

SECTION 2. The sections repealed empower the Treasurer of Ontario to establish a police force for the whole or part of the County on the request of the County Council.

SECTION 3. The effect of the amendment is to permit the County to become a member of any union of Ontario municipalities, to permit its employees to become members of any municipal association for improving technical skills and to pay tuition fees for its employees enrolled in college or university courses that will assist them in the discharge of their duties.

SECTION 4. The amendment removes any limitation on the County Council to make annual grants to any person, association or area municipality engaged in works that, in the opinion of the Council, are for the general advantage of the inhabitants of the County.

SECTION 5. The amendment will give greater flexibility to the County in setting the fees to be charged to persons using its waste disposal sites.

BILL 174**1974**

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 18 of *The County of Oxford Act, 1974*, being chapter 57, ^{s. 18,} ~~re-enacted~~ is repealed and the following substituted therefor:

18.—(1) When the warden is absent or refuses to act, or ^{Acting warden} his office is vacant, the County Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the warden.

(2) The County Council may by by-law appoint a member ^{Idem} of the County Council to act from time to time in the place and stead of the warden when the warden is absent from the County or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the warden.

- 2.** Sections 74 and 75 of the said Act are repealed.

<sup>ss. 74, 75,
repealed</sup>

- 3.** Subsection 1 of section 114 of the said Act is amended by <sup>s. 114 (1),
amended</sup> inserting after "9" in the third line "10, 11, 12".

- 4.** Section 117 of the said Act is amended by striking out "and <sup>s. 117,
amended</sup> for which grant or grants there is no express authority provided by any other Act" in the fifth and sixth lines.

- 5.** Subsection 3 of section 130 of the said Act is amended by <sup>s. 130 (3),
amended</sup> striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof " and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the County Council considers appropriate in the circumstances".

s. 134,
amended

6.—(1) Section 134 of the said Act is amended by adding thereto the following subsections:

Trustees
deemed
Commission

R.S.O. 1970,
c. 390

(2a) The trustees of the Police Village of Drumbo as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Drumbo Hydro-Electric System, to be known as The Hydro-Electric Commission of Drumbo, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Drumbo in relation to the Police Village of Drumbo Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Drumbo.

Idem

(2b) The trustees of the Police Village of Plattsville as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Plattsville Hydro-Electric System, to be known as The Hydro-Electric Commission of Plattsville, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Plattsville in relation to the Police Village of Plattsville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Plattsville.

Idem

(2c) The trustees of the Police Village of Princeton as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Princeton Hydro-Electric System, to be known as The Hydro-Electric Commission of Princeton, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Princeton in relation to the Police Village of Princeton Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Princeton.

s. 134 (3),
amended

(2) Subsection 3 of the said section 134 is amended by striking out "subsection 2" in the second line and inserting in lieu thereof "subsections 2, 2a, 2b and 2c".

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The County of Oxford Amendment Act, 1974*.

SECTION 6.—Subsection 1. The trustees of the police villages named are deemed a commission established for their existing hydro-electric systems and are deemed to be local boards of the Township of Blandford-Blenheim.

Subsection 2. Complementary to subsection 1.

An Act to amend
The County of Oxford Act, 1974

1st Reading

December 10th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

CAZON
XB
-B 56

Publications

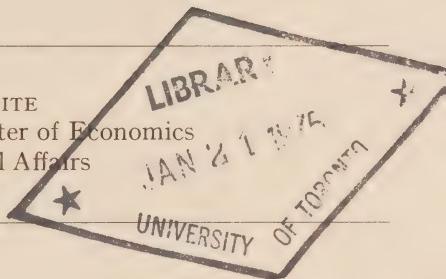
BILL 174

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
Bill No. 174
An Act to amend The County of Oxford Act, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The County Council is empowered to appoint an acting warden either on a specific occasion when the warden is absent or on a more permanent basis to act from time to time as required by reason of the absence of the warden.

SECTION 2. The sections repealed empower the Treasurer of Ontario to establish a police force for the whole or part of the County on the request of the County Council.

SECTION 3. The effect of the amendment is to permit the County to become a member of any union of Ontario municipalities, to permit its employees to become members of any municipal association for improving technical skills and to pay tuition fees for its employees enrolled in college or university courses that will assist them in the discharge of their duties.

SECTION 4. The amendment removes any limitation on the County Council to make annual grants to any person, association or area municipality engaged in works that, in the opinion of the Council, are for the general advantage of the inhabitants of the County.

BILL 174

1974

**An Act to amend
The County of Oxford Act, 1974**

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(2) The County Council may by by-law appoint a member ^{Idem} of the County Council to act from time to time in the place and stead of the warden when the warden is absent from the County or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the warden.

- 2.** Sections 74 and 75 of the said Act are repealed.

<sup>ss. 74, 75,
repealed</sup>

- 3.—(1)** Subsection 1 of section 114 of the said Act is amended <sup>s. 114 (1),
amended</sup> by inserting after “9” in the third line “10, 11, 12”.

- (2)** The said section 114 is amended by adding thereto the <sup>s. 114,
amended</sup> following subsection:

(9) Notwithstanding section 4 of *The Conservation Authorities Act*, the County Council may appoint to the Upper Thames River Conservation Authority the same number of members as the local municipalities within the County were entitled to appoint in the year 1974.

- 4.** Section 117 of the said Act is amended by striking out “and <sup>s. 117,
amended</sup> for which grant or grants there is no express authority provided by any other Act” in the fifth and sixth lines.

s. 130 (3),
amended

5. Subsection 3 of section 130 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof " and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the County Council considers appropriate in the circumstances".

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amended

6.—(1) Section 134 of the said Act is amended by adding thereto the following subsections:

Trustees
deemed
Commission

R.S.O. 1970,
c. 390

(2a) The trustees of the Police Village of Drumbo as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Drumbo Hydro-Electric System, to be known as The Hydro-Electric Commission of Drumbo, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Drumbo in relation to the Police Village of Drumbo Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Drumbo.

Idem

(2b) The trustees of the Police Village of Plattsville as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Plattsville Hydro-Electric System, to be known as The Hydro-Electric Commission of Plattsville, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Plattsville in relation to the Police Village of Plattsville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Plattsville.

Idem

(2c) The trustees of the Police Village of Princeton as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Princeton Hydro-Electric System, to be known as The Hydro-Electric Commission of Princeton, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Princeton in relation to the Police Village of Princeton Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Princeton.

SECTION 5. The amendment will give greater flexibility to the County in setting the fees to be charged to persons using its waste disposal sites.

SECTION 6.—Subsection 1. The trustees of the police villages named are deemed a commission established for their existing hydro-electric systems and are deemed to be local boards of the Township of Blandford-Blenheim.

Subsection 2. Complementary to subsection 1.

- (2) Subsection 3 of the said section 134 is amended by ^{s. 134 (3),} ~~amended~~ striking out "subsection 2" in the second line and inserting in lieu thereof "subsections 2, 2a, 2b and 2c".
7. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
8. This Act may be cited as *The County of Oxford Amendment* ^{Short title} *Act, 1974.*

An Act to amend
The County of Oxford Act, 1974

1st Reading

December 10th, 1974

2nd Reading

December 16th, 1974

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the
Committee of the Whole House)

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356

BILL 174

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
Bill 174

An Act to amend The County of Oxford Act, 1974

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs





BILL 174**1974**

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 18 of *The County of Oxford Act, 1974*, being chapter 57, ^{s. 18,} ^{re-enacted} is repealed and the following substituted therefor:

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(2) The County Council may by by-law appoint a member ^{Idem} of the County Council to act from time to time in the place and stead of the warden when the warden is absent from the County or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the warden.

- 2.** Sections 74 and 75 of the said Act are repealed.

<sup>ss. 74, 75,
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- 3.—(1)** Subsection 1 of section 114 of the said Act is amended <sup>s. 114 (1),
amended</sup> by inserting after “9” in the third line “10, 11, 12”.

- (2) The said section 114 is amended by adding thereto the <sup>s. 114,
amended</sup> following subsection:

(9) Notwithstanding section 4 of *The Conservation Authorities Act*, the County Council may appoint to the Upper <sup>Conservation
Authority
representation</sup> Thames River Conservation Authority the same number of <sup>R.S.O. 1970,
c. C-78</sup> members as the local municipalities within the County were entitled to appoint in the year 1974.

- 4.** Section 117 of the said Act is amended by striking out “and <sup>s. 117,
amended</sup> for which grant or grants there is no express authority provided by any other Act” in the fifth and sixth lines.

s. 130 (3),
amended

5. Subsection 3 of section 130 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the ninth, tenth and eleventh lines and inserting in lieu thereof " and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the County Council considers appropriate in the circumstances".

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amended

6.—(1) Section 134 of the said Act is amended by adding thereto the following subsections:

Trustees
deemed
Commission

R.S.O. 1970,
c. 390

(2a) The trustees of the Police Village of Drumbo as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Drumbo Hydro-Electric System, to be known as The Hydro-Electric Commission of Drumbo, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Drumbo in relation to the Police Village of Drumbo Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Drumbo.

Idem

(2b) The trustees of the Police Village of Plattsville as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Plattsville Hydro-Electric System, to be known as The Hydro-Electric Commission of Plattsville, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Plattsville in relation to the Police Village of Plattsville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Plattsville.

Idem

(2c) The trustees of the Police Village of Princeton as it exists on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Princeton Hydro-Electric System, to be known as The Hydro-Electric Commission of Princeton, which shall be deemed to be a local board of the area municipality of the Township of Blandford-Blenheim, and all rights and obligations of the Police Village of Princeton in relation to the Police Village of Princeton Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Princeton.

- (2) Subsection 3 of the said section 134 is amended by ^{s. 134 (3).} amending
striking out "subsection 2" in the second line and inserting
in lieu thereof "subsections 2, 2a, 2b and 2c".
7. This Act comes into force on the day it receives Royal Assent. Commencement
8. This Act may be cited as *The County of Oxford Amendment* ^{Short title} *Act, 1974.*

An Act to amend
The County of Oxford Act, 1974

1st Reading

December 10th, 1974

2nd Reading

December 16th, 1974

3rd Reading

December 20th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CAZON

XB

-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974



An Act to amend
The District Municipality of Muskoka Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The District Council is empowered to appoint an acting chairman either to act on a specific occasion when the chairman is absent or on a more permanent basis to act from time to time whenever required by reason of the absence of the chairman.

SECTION 2. The sole responsibility for the supply and distribution of water and the collection and disposal of sewage in the District Area, including the method of financing, will be vested in the District Corporation; presently the area municipalities determine the manner in which their respective shares of the cost of such sewage works are to be raised and the area municipalities are responsible for water supply.

The Municipal Board is empowered to hear and determine any application by the District Corporation for approval of any undertaking relating to the supply and distribution of water or the collection and disposal of sewage without having regard to the method by which the District Corporation intends to recover the cost of the undertaking. Where application is subsequently made to the Board for its approval to the method proposed for recovering the cost and the Board does not approve the application in whole or in part, the Board may direct the method. This change in determining the method of financing will not preclude affected ratepayers from being afforded an opportunity to make representations before the Board.

BILL 175

1974

**An Act to amend
The District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections:

(5) When the chairman is absent or refuses to act, or his office is vacant, the District Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

(6) The District Council may by by-law appoint a member of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

2. Part III of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, sections 1 and 2, is repealed and the following substituted therefor:

PART III

DISTRICT WATERWORKS SYSTEM

26.—(1) On and after the 1st day of January, 1975, the District Corporation shall have the sole responsibility for the supply and distribution of water in the District Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal cor-

poration or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the District Corporation, except the power to establish a public utilities commission.

Method of financing

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255

District Corporation may require area municipality to collect moneys
R.S.O. 1970, cc. 255, 284

Approval of O.M.B. to undertake, etc.

Powers of O.M.B.

(2) The District Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the District Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.

(4) Where the District Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the District Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the

Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Area municipalities,
no power to supply and distribute water

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the District Area or for any area municipality is vested in the District Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of property in District Corporation

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection 8, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the R.S.O. 1970, c. 255 owners' share of a local improvement work.

Payments of principal and interest to area municipalities

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Interest to be charged by area municipality

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting such supply and distribution of water, the District Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(12) The District Corporation may enter into agreements with any person or municipality, with respect to the matters provided for in this Part.

Idem

Idem

(13) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by
clerk on
collector's
roll

R.S.O. 1970,
c. 300

Existing
urban service
areas

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the District Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the District Corporation.

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines.

District
Corporation
respon-
sibility for
collection
and disposal
of sewage

Method of
financing

27.—(1) On and after the 1st day of January, 1975, the District Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the District Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the District Corporation, except the power to establish a public utilities commission.

(2) The District Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

- (b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or
- (c) by any method or methods authorized by law or by any combination thereof.
- (3) If the District Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.
- (4) Where the District Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the District Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.
- (5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.
- (6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

- (7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal

Preparation
of special
assessment
rolls and
collection
of special
assessments
R.S.O. 1970,
c. 255

District
Corporation
may require
area municipi-
lity to
collect
moneys
required
R.S.O. 1970,
cc. 255, 284

Approval of
O.M.B. to
undertaking,
etc.

Powers of
O.M.B.

No area
municipality
to collect and
dispose of
sewage

of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of
property in
District
Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the District Area by any area municipality are vested in the District Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

District
Corporation
liability

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection 8, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970,
c. 255

Default

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the District Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area
municipality
respon-
sibility for
storm
drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

SECTIONS 3 and 4. Presently, the District Area is constituted a joint planning area and the District Corporation is the designated municipality, while the area municipalities are constituted subsidiary planning areas. The District Council is charged with responsibility for preparing the official plan for the District Area and the council of each area municipality is responsible for the preparation of the official plan for its subsidiary planning area. The effect of the amendments contained in these two sections of the Bill is to constitute the District Area as one planning area and to vest all responsibility for official plan preparation in the District Council. Provision is made for consultation during the course of preparation of the official plan with the councils of the area municipalities on those parts of the plan that directly affect them, and the completed draft plan is to be furnished to the council of each area municipality for comment before the plan is adopted by the District Council. The area municipalities will continue to have jurisdiction with respect to zoning by-laws and building by-laws, in so far as they are not superseded by the building code under *The Building Code Act, 1974*.

(13) The District Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the District Area, and where the District Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

District Corporation may undertake land drainage program

(14) The District Corporation may enter into agreements with any person or municipality with respect to the matters provided for in this Part.

(15) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines.

Existing urban service areas

3.—(1) Subsections 1 and 2 of section 68 of the said Act are repealed and the following substituted therefor:

(1) On and after the 1st day of January, 1975, the District Area shall be a planning area for the purposes of *The Planning Act*, and shall be known as the Muskoka Planning Area.

Planning area
R.S.O. 1970,
c. 349

(2) The District Council shall be the planning board of the Muskoka Planning Area.

District Council to be planning board

(2) Subsection 4 of the said section 68 is repealed and the following substituted therefor:

s. 68 (4),
re-enacted

(4) No area municipality shall exercise any of the powers under *The Planning Act* except those contained in sections 35, 35a, 35b and 38.

Application of R.S.O.
1970,
c. 349

(3) Subsection 5 of the said section 68 is amended by striking out “subsections 3 and 4” in the first line and inserting in lieu thereof “subsection 3”.

s. 68 (5),
amended

(4) Subsection 6 of the said section 68 is amended by striking out “and” at the end of clause *a* and by striking out clause *b*.

s. 68 (6),
amended

4.—(1) Subsection 2 of section 69 of the said Act is amended by striking out “and the council of each area municipality shall within two years thereafter adopt and for-

s. 69 (2),
amended

ward to the Minister for approval an official plan for the area municipality" in the third, fourth, fifth and sixth lines.

s. 69,
amended

- (2) The said section 69 is further amended by adding thereto the following subsection:

District
Council
to consult
area municipi-
palities

(2a) During the course of preparation of the official plan for the District Area, the District Council shall, in respect of that part of the official plan that affects each area municipality, consult with the council of that area municipality, and the completed draft plan shall be referred for comment to the council of each area municipality prior to adoption by the District Council.

s. 89,
amended

5. Section 89 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, section 6, is further amended by adding thereto the following subsections:

Area
municipality
deemed
municipality
under
R.S.O. 1970,
c. 405

(3) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

District
Corporation
deemed
regional
municipality

(4) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for district purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 92 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

s. 92 (4),
amended

- 6.—(1) Subsection 4 of section 92 of the said Act is amended by striking out "equalize" in the first line and inserting in lieu thereof "weight" and by striking out "equalized" in the fourth line and inserting in lieu thereof "weighted".

(2) Subsection 5 of the said section 92 is repealed.

s. 92 (5),
repealed

- (3) Subsection 6 of the said section 92 is amended by striking out "equalization" in the second line and inserting in lieu thereof "weighting" and by striking out "equalized" in the fourth line and inserting in lieu thereof "weighted".

s. 92 (6),
amended

- (4) Subsection 7 of the said section 92 is amended by striking out "equalized" in the second line and in the fifth line and inserting in lieu thereof in each instance "weighted".

SECTION 5. The District Corporation is deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*.

SECTION 6. Section 92 of the Act provides for the apportionment of the district levy among the area municipalities in the proportion that the rateable property in each area municipality bears to the whole rateable property in the District Area; to ensure an equitable distribution, the last revised assessment rolls of each municipality are revised and equalized by the Ministry of Revenue. As the entire District Area is now uniformly assessed on a market value basis such equalization is no longer required. The effect of the amendments in section 6 of the Bill is to remove such reference to equalization by the Ministry of Revenue and to specify the types of payments in lieu of taxes that are to be taken into account in determining the assessment of each area municipality.

SECTION 7. The re-enactments contained in this section of the Bill place the district municipality on the same basis as regional municipalities with respect to apportionment of the district levy and the yearly estimates under *The Municipal Act* amongst merged areas. Pre-estimate levies are also brought into line with the provisions relating to regional municipalities. See also the note to section 5 of the Bill.

- (5) Subsection 8 of the said section 92 is amended by ^{s. 92 (8).}
striking out "equalization" in the first line and in the
fourth line and inserting in lieu thereof in each instance
"weighting".
- (6) Subsection 9 of the said section 92 is amended by ^{s. 92 (9).}
striking out "equalized" in the second line and inserting
in lieu thereof "weighted".
- (7) Subsections 11 and 12 of the said section 92 are repealed ^{s. 92 (11, 12),}
and the following substituted therefor:

(11) The assessment upon which the levy shall be ap-
portioned among the area municipalities shall include the ^{Assessment to include valuations on properties for which payments in lieu of taxes paid, etc.}
valuations of all properties for which payments in lieu of taxes, which include a payment in respect of district levies,
are paid by the Crown in right of Canada or any province or any board, commission, corporation or any other agency thereof or Ontario Hydro to any area municipality, and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act*, section 3 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, R.S.O. 1970, c. 284, and subsection 3 of section 3 of *The Property Tax Stabilization Act, 1973*, 1971, c. 78 1973, c. 73

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 11 and the said Ministry shall revise and weight the valuations of these payments and shall notify the District Corporation and the appropriate area municipality of such valuations.

7. Sections 93, 94 and 95 of the said Act are repealed and the ^{ss. 93, 94, re-enacted s. 95, repealed}
following substituted therefor:

93.—(1) The Ministry of Revenue shall revise and weight ^{Assessment of merged areas}
each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

(2) Upon completion by the Ministry of Revenue of the ^{Notice}
revision and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net district levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all ^{Apportionment among merged areas R.S.O. 1970, cc. 405, 284, 32}

purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality, both according to the last revised assessment role as weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Deter-
mination
of rates
R.S.O. 1970,
c. 405

Levy by
District
Council
before
estimates
adopted

Levy under
s. 92 to be
reduced

Levy by area
municipality
before
estimates
adopted

Levy under
s. 93 to be
reduced

Application
of R.S.O. 1970.
c. 284, s. 303 (4)

s. 96 (2),
amended

s. 96 (3),
amended

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

94.—(1) Notwithstanding section 92, the District Council may in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 14 and 15 of section 92 apply to such levy.

(2) The amount of any levy made under subsection 1 shall be deducted from the levy made under section 92.

(3) Notwithstanding section 93, the council of an area municipality may in any year before adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(4) The amount of any levy under subsection 3 shall be deducted from the amount of the levy made under section 93.

(5) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

8.—(1) Subsection 2 of section 96 of the said Act is amended by striking out “both as equalized by the Ministry in accordance with subsection 2 of section 94” in the eighth and ninth lines.

(2) Subsection 3 of the said section 96 is amended by striking out “both as equalized by the Ministry in accordance with subsection 2 of section 94” in the eighth and ninth lines.

SECTION 8. The reference to equalization of assessment by the Ministry of Revenue is removed; see also the note to section 6 of the Bill.

SECTION 9. The clause being repealed provides for a payment to the District Corporation of \$50,000 in the years 1971 to 1975 to defray part of the cost of the administrative expenditures of the District Council.

SECTION 10. The effect of the re-enactment is to permit the District Corporation to become a member of any union of Ontario municipalities, to permit its employees to become members of any municipal association for improving technical skills and to pay tuition fees for its employees enrolled in college or university courses that will assist them in the discharge of their duties; these powers are presently vested in all local municipalities and counties. Provision is added to permit one consolidated bank account in which may be deposited moneys raised for all reserve funds rather than keeping a separate account for each reserve fund.

SECTION 11. A limitation on the annual amount that the District Corporation may expend for diffusing information on the advantages of the district as an industrial, business, educational, residential or vacation centre is removed.

SECTION 12. The amendment removes any limitation on the power of the District Council to make grants to institutions, associations and persons engaged in works that are for the general advantage of the inhabitants of the District Area.

SECTION 13. The amendment will give greater flexibility to the District Corporation in setting the fees to be charged to persons using its waste disposal sites.

(3) Subsection 4 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines.

(4) Subsection 5 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines.

(5) Subsection 7 of the said section 96 is repealed.

s. 96 (7),
repealed

9. Clause b of section 105 of the said Act is repealed.

s. 105 (b),
repealed

10. Subsection 1 of section 130 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 146, section 5, is repealed and the following substituted therefor:

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, subsection 3 of section 308 and subsections 3, 10, 11, 12, 24 and 46 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Application
of R.S.O. 1970,
c. 284

11. Section 132 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines.

s. 132,
amended

12. Section 133 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 92" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines.

s. 133,
amended

13. Subsection 3 of section 149 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the District Council considers appropriate in the circumstances".

s. 149 (3),
amended

14.—(1) This Act, except section 2, comes into force on the day it receives Royal Assent.

Commencement

- Idem (2) Section 2 comes into force on the 1st day of January, 1975.
- Short title **15.** This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1974.*

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

December 12th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

CAZON
XB
-B 56

BILL 175

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The District Municipality of Muskoka Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
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BILL 175

1974

**An Act to amend
The District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 8 of *The District Municipality of Muskoka Act*, being ^{s. 8,} chapter 131 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsections:

(5) When the chairman is absent or refuses to act, or his office is vacant, the District Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

(6) The District Council may by by-law appoint a member ^{Idem} of the District Council to act from time to time in the place and stead of the chairman when the chairman is absent from the District Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

2. Part III of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, sections 1 and 2, is repealed and the following substituted therefor:

PART III

DISTRICT WATERWORKS SYSTEM

26.—(1) On and after the 1st day of January, 1975, the District Corporation shall have the sole responsibility for the supply and distribution of water in the District Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal cor-

poration or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply *mutatis mutandis* to the District Corporation, except the power to establish a public utilities commission.

Method of financing

(2) The District Corporation may finance the whole or any part of the cost of the construction, operation, maintenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

**Preparation of special assessment rolls and collection of special assessments
R.S.O. 1970, c. 255**

(3) If the District Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.

**District Corporation may require area municipality to collect moneys
R.S.O. 1970, c. 255, 284**

(4) Where the District Corporation does not proceed under *The Local Improvement Act* or under section 362 of *The Municipal Act*, the District Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the

Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

(7) Subject to subsection 13, on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the District Area or for any area municipality is vested in the District Corporation effective the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection 8, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work.

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made.

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting such supply and distribution of water, the District Corporation shall, on and after the 1st day of January, 1973, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(12) The District Corporation may enter into agreements with any person or municipality, with respect to the matters provided for in this Part.

Idem

(13) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by
clerk on
collector's
roll

R.S.O. 1970,
c. 300

Existing
urban service
areas

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the District Corporation of an amount due in respect of the supply of water and by whom it is due and the lands in which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 2, 3 and 4 of section 30 of *The Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the District Corporation.

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines.

District
Corporation
respon-
sibility for
collection
and disposal
of sewage

27.—(1) On and after the 1st day of January, 1975, the District Corporation shall, except as provided in subsection 12, have the sole responsibility for the collection and disposal of all sewage in the District Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply *mutatis mutandis* to the District Corporation, except the power to establish a public utilities commission.

Method of
financing

(2) The District Corporation may finance the whole or any part of the cost, including the construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates;

- (b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or
- (c) by any method or methods authorized by law or by any combination thereof.
- (3) If the District Corporation proceeds under *The Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the District Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the District Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the District Corporation.
- (4) Where the District Corporation does not proceed by imposing a surcharge on the water rate, or under *The Local Improvement Act*, or under section 362 of *The Municipal Act*, the District Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.
- (5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the District Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the District Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.
- (6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection 5 and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

- (7) Subject to subsection 15, on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal

Preparation
of special
assessment
rolls and
collection
of special
assessments
R.S.O. 1970,
c. 255

District
Corporation
may require
area municipi-
lity to
collect
moneys
required
R.S.O. 1970,
cc. 255, 284

Approval of
O.M.B. to
undertaking,
etc.

Powers of
O.M.B.

No area
municipality
to collect and
dispose of
sewage

of sewage, or the financing thereof, except as provided in subsection 12.

Vesting of
property in
District
Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection 12, and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the District Area by any area municipality are vested in the District Corporation on the 1st day of January, 1973, and no compensation or damages shall be payable to any area municipality in respect thereof.

District
Corporation
liability

(9) The District Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the District Corporation under subsection 8, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that, under *The Local Improvement Act*, is payable as the owners' share of the local improvement work.

R.S.O. 1970,
c. 255

Default

(10) If the District Corporation fails to make any payment as required by subsection 9, the area municipality may charge the District Corporation interest at the rate of 12 per cent per annum thereon or such lower rate as the council of the area municipality determines from such date until payment is made.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the District Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection 12, the District Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area
municipality
respon-
sibility for
storm
drainage

(12) Subject to subsection 13, each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The District Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the District Area, and where the District Corporation does so the provisions of this Part apply, *mutatis mutandis*, to the establishment, construction, maintenance, operation and financing thereof.

(14) The District Corporation may enter into agreements with any person or municipality with respect to the matters provided for in this Part.

(15) The District Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the District Council otherwise determines.

3.—(1) Subsections 1 and 2 of section 68 of the said Act are repealed and the following substituted therefor:

(1) On and after the 1st day of January, 1975, the District Area shall be a planning area for the purposes of *The Planning Act*, and shall be known as the Muskoka Planning Area.

(2) The District Council shall be the planning board of the Muskoka Planning Area.

(2) Subsection 4 of the said section 68 is repealed and the following substituted therefor:

(4) No area municipality shall exercise any of the powers under *The Planning Act* except those contained in sections 35, 35a, 35b and 38.

(3) Subsection 5 of the said section 68 is amended by striking out “subsections 3 and 4” in the first line and inserting in lieu thereof “subsection 3”.

(4) Subsection 6 of the said section 68 is amended by striking out “and” at the end of clause *a* and by striking out clause *b*.

4.—(1) Subsection 2 of section 69 of the said Act is amended by striking out “and the council of each area municipality shall within two years thereafter adopt and for-

ward to the Minister for approval an official plan for the area municipality" in the third, fourth, fifth and sixth lines.

s. 69,
amended

District
Council
to consult
area municipi-
palities

- (2) The said section 69 is further amended by adding thereto the following subsection:

(2a) During the course of preparation of the official plan for the District Area, the District Council shall, in respect of that part of the official plan that affects each area municipality, consult with the council of that area municipality, and the completed draft plan shall be referred for comment to the council of each area municipality prior to adoption by the District Council.

s. 89,
amended

5. Section 89 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, section 6, is further amended by adding thereto the following subsections:

Area
municipality
deemed
municipality
under
R.S.O. 1970,
c. 405

District
Corporation
deemed
regional
municipality

s. 92 (4),
amended

(3) Every area municipality shall be deemed to be an area municipality for all purposes of *The Regional Municipal Grants Act* and every merged area shall be deemed to be a merged area for the purposes of section 9 of that Act.

(4) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Regional Municipal Grants Act*, except that for the purposes of this Act, "net regional levy" in *The Regional Municipal Grants Act*, means the amount required for district purposes, including the sums required by law to be provided for any board, commission or other body, but excluding school purposes, apportioned to each area municipality by section 92 of this Act reduced by the amount credited to each area municipality under section 3 of *The Regional Municipal Grants Act*.

- 6.—(1) Subsection 4 of section 92 of the said Act is amended by striking out "equalize" in the first line and inserting in lieu thereof "weight" and by striking out "equalized" in the fourth line and inserting in lieu thereof "weighted".

s. 92 (5),
repealed

s. 92 (6),
amended

s. 92 (7),
amended

(2) Subsection 5 of the said section 92 is repealed.

(3) Subsection 6 of the said section 92 is amended by striking out "equalization" in the second line and inserting in lieu thereof "weighting" and by striking out "equalized" in the fourth line and inserting in lieu thereof "weighted".

(4) Subsection 7 of the said section 92 is amended by striking out "equalized" in the second line and in the fifth line and inserting in lieu thereof in each instance "weighted".

- (5) Subsection 8 of the said section 92 is amended by <sup>s. 92 (8),
amended</sup> striking out "equalization" in the first line and in the fourth line and inserting in lieu thereof in each instance "weighting".
- (6) Subsection 9 of the said section 92 is amended by <sup>s. 92 (9),
amended</sup> striking out "equalized" in the second line and inserting in lieu thereof "weighted".
- (7) Subsections 11 and 12 of the said section 92 are repealed <sup>s. 92 (11, 12),
re-enacted</sup> and the following substituted therefor:

(11) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of district levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or any other agency thereof or Ontario Hydro to any area municipality, and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 304 and 304a of *The Municipal Act*, section 3 of *The Provincial Parks Municipal Tax Assistance Act, 1971*, <sup>R.S.O. 1970,
c. 284,</sup> and subsection 3 of section 3 of *The Property Tax Stabilization Act, 1973*. <sup>1971, c. 78
1973, c. 73</sup>

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection 11 and the said Ministry shall revise and weight the valuations of these payments and shall notify the District Corporation and the appropriate area municipality of such valuations.

7. Sections 93, 94 and 95 of the said Act are repealed and the following substituted therefor: <sup>ss. 93, 94,
re-enacted
s. 95,
repealed</sup>

93.—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding. ^{Assessment of merged areas}

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality under subsection 1, the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment. ^{Notice}

(3) Notwithstanding section 7 of *The Regional Municipal Grants Act*, the net district levy and the sums adopted in accordance with section 307 of *The Municipal Act* for all <sup>Apportionment among merged areas
R.S.O. 1970,
cc. 405, 284, 32</sup>

purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality, both according to the last revised assessment role as weighted by the Ministry of Revenue under subsection 1, and subsection 9 of section 35 of *The Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Determination of rates
R.S.O. 1970,
c. 405

Levy by District Council before estimates adopted

Levy under s. 92 to be reduced

Levy by area municipality before estimates adopted

Levy under s. 93 to be reduced

Application of R.S.O. 1970,
c. 284, s. 303 (4)

s. 96 (2),
amended

s. 96 (3),
amended

(4) The rates to be levied in each merged area shall be determined in accordance with subsection 2 of section 7 of *The Regional Municipal Grants Act*.

94.—(1) Notwithstanding section 92, the District Council may in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 14 and 15 of section 92 apply to such levy.

(2) The amount of any levy made under subsection 1 shall be deducted from the levy made under section 92.

(3) Notwithstanding section 93, the council of an area municipality may in any year before adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(4) The amount of any levy under subsection 3 shall be deducted from the amount of the levy made under section 93.

(5) Subsection 4 of section 303 of *The Municipal Act* applies to levies made under this section.

8.—(1) Subsection 2 of section 96 of the said Act is amended by striking out “both as equalized by the Ministry in accordance with subsection 2 of section 94” in the eighth and ninth lines.

(2) Subsection 3 of the said section 96 is amended by striking out “both as equalized by the Ministry in accordance with subsection 2 of section 94” in the eighth and ninth lines.

- (3) Subsection 4 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines. <sup>s. 96 (4),
amended</sup>
- (4) Subsection 5 of the said section 96 is amended by striking out "both as equalized by the Ministry in accordance with subsection 2 of section 94" in the eighth and ninth lines. <sup>s. 96 (5),
amended</sup>
- (5) Subsection 7 of the said section 96 is repealed. <sup>s. 96 (7),
repealed</sup>
- 9.** Clause *b* of section 105 of the said Act is repealed. <sup>s. 105 (b),
repealed</sup>
- 10.** Subsection 1 of section 130 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 146, section 5, is repealed and the following substituted therefor:
- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 249 and 254, subsection 3 of section 308 and subsections 3, 10, 11, 12, 24 and 46 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. <sup>Application
of R.S.O. 1970,
c. 284</sup>
- 11.** Section 132 of the said Act is amended by striking out "not exceeding \$50,000 in any one year" in the first and second lines. <sup>s. 132,
amended</sup>
- 12.** Section 133 of the said Act is amended by striking out "not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 92" in the first, second, third, fourth and fifth lines and by striking out "and for which grant or grants there is no express authority provided by any other Act" in the eighth and ninth lines. <sup>s. 133,
amended</sup>
- 13.** Subsection 3 of section 149 of the said Act is amended by striking out "and may charge fees for the use of such property, which fees may vary in respect of different classes of waste" in the eighth, ninth and tenth lines and inserting in lieu thereof "and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the District Council considers appropriate in the circumstances". <sup>s. 149 (3),
amended</sup>
- 14.**—(1) This Act, except section 2, comes into force on the day it receives Royal Assent. ^{Commencement}

Idem

(2) Section 2 comes into force on the 1st day of January, 1975.

Short title

15. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1974.*

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

December 12th, 1974

2nd Reading

December 16th, 1974

3rd Reading

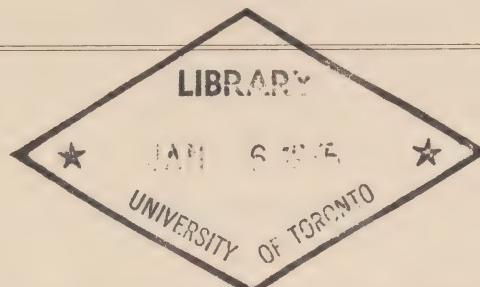
December 16th, 1974

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CAZON

XB

-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974**An Act to provide for the Conservation, Protection and
Preservation of the Heritage of Ontario**THE HON. J. A. C. AULD
Minister of Colleges and Universities

TORONTO

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TABLE OF CONTENTS

		SEC.	PAGE
PART	I — Heritage Conservation, Protection and Preservation.....	2, 3	2
PART	II — Ontario Heritage Foundation.....	4-23	2
PART	III — Conservation Review Board.....	24, 25	7
PART	IV — Conservation of Buildings of Historic or Architectural Value—Designation of Properties by Municipalities.....	26-39	8
PART	V — Historic Conservation Districts.....	40-46	20
PART	VI — Conservation of Resources of Archaeo- logical Value.....	47-66	22
PART	VII — General.....	67-73	35

EXPLANATORY NOTES

The purpose of the Bill is to provide for the conservation, protection and preservation of Ontario's Heritage resources.

The Bill,

- (a) repeals *The Ontario Heritage Foundation Act*, but continues and expands the role of the Ontario Heritage Foundation;
- (b) provides for the conservation, protection and preservation of buildings of historic or architectural value; and
- (c) repeals *The Archaeological and Historic Sites Protection Act* and provides greater protection for Ontario's archaeological resources.

Some features of the Bill are as follows:

PART I

This Part establishes the overall responsibility of the Minister for heritage conservation, protection and preservation.

PART II

The Ontario Heritage Foundation is continued with expanded objects and powers.

SECTION 9 of the Act assigns to the Foundation the power to advise and make recommendations to the Minister on all matters relating to heritage conservation.

SECTION 10.—Subsection 1. The powers of the Foundation are re-defined and expanded and the Foundation is obliged to adhere to policies and priorities established by the Minister.

Subsection 2. The Minister is given the authority to assume the powers of the Foundation where he deems it necessary or appropriate in the interests of heritage conservation, protection and preservation.

PART III

This Part provides for the establishment of a Conservation Review Board to conduct hearings and make recommendations with respect to matters referred to it by the Minister under Part VI and by the council of a municipality under Part IV.

PART IV

This Part provides for the designation of buildings of historic or architectural interest by a council of a municipality.

SECTION 27. A register of all properties designated within a municipality under this Part shall be kept by the clerk of the municipality in which the property is situate.

SECTION 28. Provides for the establishment of local advisory committees to assist councils of municipalities.

SECTION 29. Provides for the designation of buildings of historic or architectural interest by the council of a municipality. Provision is also made for a hearing to review a proposed designation where a notice of objection is filed with the clerk of the municipality.

SECTION 30. This section provides that in certain circumstances a permit issued by a municipality to alter or demolish a property is void.

SECTION 31. Provision is made for the council of a municipality to repeal a by-law or part thereof designating property and provides for a hearing to review such a proposal where a notice of objection is filed with the clerk.

SECTION 32. An owner of designated property may apply to the council of the municipality to repeal the by-law or part thereof designating the property and where the council refuses the application, provision is made for a hearing to review the matter.

SECTION 33. This section prohibits the alteration of a designated property without the consent of the council where the alteration is likely to affect the reason for the designation. Provision is also made for a hearing to review the decision of the council where the council refuses the application or the owner objects to the terms and conditions under which the council has given its consent.

SECTION 34. This section prohibits the demolition of a designated property without the consent of the council. The council may consent to the application or refuse the application and prohibit demolition for a period of 180 days. After the expiration of 180 days, the owner may proceed to demolish or remove the building.

SECTION 35. New owners of designated property are required to notify the clerk of the municipality of the change in ownership.

SECTION 36. A council of a municipality may expropriate a property designated under this Part. A council of a municipality may also pass by-laws providing for acquiring by purchase, lease or otherwise any property or part thereof designated under this Part and for disposing of such property by sale, lease or otherwise when no longer required.

SECTION 37. Consistent with section 22 of the Bill.

SECTION 38. Provision is made for inspection of designated property and property that is proposed to be designated where notice has been given under section 29.

SECTION 39. A council of a municipality may pass by-laws enabling it to make grants or loans to owners of property designated under this Part to meet the cost of altering such property. Loans may be recovered from owners during a period not to exceed five years.

PART V

Where there is in effect in a municipality an official plan containing provisions for the establishment of historic conservation districts, the council of a municipality may by by-law designate the municipality or any defined area in the municipality as a historic conservation district. The by-law does not come into force without the approval of the Ontario Municipal Board.

Where a by-law is passed under this Part, no person shall erect, demolish or remove any building or structure, or alter the external portions of any building or structure within the designated area without a permit issued therefor by the council of the municipality.

Procedures for applying for a permit to alter or demolish under this Part are parallel to the procedures provided in Part IV, except that where the council refuses an application for alteration or where the owner objects to the terms and conditions under which the council has granted its consent, the owner may appeal to the Ontario Municipal Board.

PART VI

SECTIONS 48-51. Prohibit archaeological exploration, archaeological surveys or field work without a licence issued by the Minister, except on properties exempted under the regulations. Provision is made for a hearing where the Minister proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence.

SECTION 52. Provides for the designation by the Minister of property that is of archaeological or historic significance. Provision is also made for a hearing to review a proposed designation where a notice of objection is filed with the Minister.

SECTION 53. The provisions of section 56 apply where a notice of intention to designate has been served and published under section 52.

SECTION 54. Provision is made for the Minister to revoke a designation under this Part.

SECTION 55. An owner of designated property may apply to the Minister to have the designation revoked, and, where the Minister refuses the application, provision is made for a hearing to review the matter.

SECTION 56. A permit is required to excavate or alter designated property or remove any object therefrom.

SECTION 57. Self-explanatory.

SECTIONS 58, 59. Where the Minister refuses to grant or renew a permit or proposes to suspend or revoke a permit, the applicant or permittee, as the case may be, is entitled to a hearing to review the matter.

SECTION 60. Where, in the opinion of the Minister, it is in the public interest, the Minister may provisionally refuse renewal of or suspend the permittee's permit.

SECTION 61. Self-explanatory.

SECTION 62. The Minister may issue a temporary stop order to prohibit work on any property in order to examine the property or to remove an object from the property where the property is, in his opinion, of archaeological or historic significance. Persons affected by a stop order are entitled to compensation for personal or business damages resulting from the stop order.

SECTION 63. An owner of property designated under this Part is entitled to compensation for personal or business damages resulting from the designation.

SECTION 64. Consistent with section 38 of the Bill.

SECTION 65.—Subsection 1. Provides for persons licensed under this Part to furnish reports to the Minister on all field work carried out under the authority of the licence.

Subsection 2. Requires a person, at the request of the Minister, to prepare and file particulars of all property of archaeological or historic significance in Ontario known to the person.

SECTION 66. Self-explanatory.

PART VII

This Part deals generally with service under the Act, conflicts with other legislation, offences, recovery of restoration costs and the making of regulations.

BILL 176**1974**

**An Act to provide for the
Conservation, Protection and Preservation
of the Heritage of Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tion

- (a) "alter" means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning;
- (b) "Board" means the Ontario Municipal Board;
- (c) "donation" includes any gift, testamentary disposition, deed or trust or other form of contribution;
- (d) "Foundation" means the Ontario Heritage Foundation;
- (e) "inspect" includes to survey, photograph, measure and record;
- (f) "licence" means a licence issued under this Act;
- (g) "local advisory committee" means a local architectural conservation advisory committee;
- (h) "Minister" means the Minister of Colleges and Universities;
- (i) "municipality" means a city, town, village, township or improvement district and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act;
- (j) "object" means an object of archaeological or historic significance;

R.S.C. 1970,
c. I-6

- (k) "owner" means the person registered on title in the proper land registry office as owner;
- (l) "permit" means a permit issued under this Act;
- (m) "person" includes a municipality;
- (n) "regulations" means the regulations made under this Act;
- (o) "Review Board" means the Conservation Review Board.

PART I

HERITAGE CONSERVATION, PROTECTION AND PRESERVATION

Administration of Act **2.** The Minister is responsible for the administration of this Act, and he may determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario.

Officers and staff R.S.O. 1970, c. 386 **3.** Such officers, clerks and servants may be appointed or transferred under *The Public Service Act* as are considered necessary from time to time for the administration of this Act.

PART II

ONTARIO HERITAGE FOUNDATION

Interpretation **4.** In this Part, "property" means real and personal property.

Ontario Heritage Foundation continued **5.—(1)** The Ontario Heritage Foundation is continued as a body corporate.

Composition of Foundation **(2)** The Foundation shall consist of a board of directors of not fewer than twenty-one persons who shall be appointed by the Lieutenant Governor in Council.

Board to manage affairs of Foundation **(3)** The board of directors shall manage and conduct the affairs of the Foundation.

Chairman **(4)** The Lieutenant Governor in Council shall designate one of the directors to be the chairman and one or more of them to be vice-chairman or vice-chairmen of the board of directors.

Term of office **(5)** A director may be appointed for a term not exceeding three years, but may be eligible for reappointment except

that a director shall not serve for more than two consecutive terms, but any such director shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

- (6) A majority of the directors constitutes a quorum. Quorum

(7) Where a vacancy occurs for any reason in the office of director, the vacancy may be filled by appointment by the Lieutenant Governor in Council and a person so appointed shall hold office for the remainder of the term of his predecessor. Vacancy

- 6.** *The Corporations Act* does not apply to the Foundation. R.S.O. 1970,
c. C.89 not
to apply

- 7.** The objects of the Foundation are,

Objects
of
Foundation

- (a) to advise and make recommendations to the Minister on any matter relating to the conservation, protection and preservation of the heritage of Ontario;
- (b) to receive, acquire and hold property in trust for the people of Ontario;
- (c) to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;
- (d) to preserve, maintain, reconstruct, restore and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest;
- (e) to conduct research, educational and communications programs necessary for heritage conservation, protection and preservation.

8. The directors of the Foundation may, subject to the approval of the Minister, make such by-laws as are necessary for, By-laws

- (a) the administration of the Foundation;
- (b) the establishment, appointment and condition of membership therein;
- (c) the establishment of such honorary offices as they consider desirable, and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation.

Powers
of
Foundation

9. The Foundation may advise and make recommendations to the Minister on any matter relating to property of historical, architectural, archaeological, recreational, aesthetic or scenic interest and to advise and assist the Minister in all matters to which this Act refers and in all matters as are assigned to it by or under any Act or regulation thereunder.

Further
powers
of
Foundation

10.—(1) The Foundation, in accordance with the policies and priorities determined by the Minister for the conservation, protection and preservation of the heritage of Ontario and with the approval of the Minister, may,

- (a) receive, acquire by purchase, donation, lease, public subscription, grant, bequest or otherwise, and hold, preserve, maintain, reconstruct, restore, and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest for the use, enjoyment and benefit of the people of Ontario;
- (b) enter into agreements, covenants and easements with owners of real property, or interests therein, for the conservation, protection and preservation of the heritage of Ontario;
- (c) conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical, architectural and archaeological matters;
- (d) enter into agreements with prospective donors, subject to any conditions governing the use of property;
- (e) enter into agreements with persons respecting any matter within the objects of the Foundation, and to provide financial assistance by way of grant or loan to such persons pursuant to any such agreements with regard to educational, research and communications programs, the maintenance, restoration and renovation of property and the management, custody and security of property;
- (f) engage the services of experts and other persons;
- (g) subject to the terms of any trust in connection with such property, dispose of property by sale, lease or any other manner and execute such deeds or other instruments as may be required to effect such disposal;

- (h) borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 18;
- (i) invest its funds, but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario;
- (j) undertake programs of research into and documentation of matters relating to the heritage of Ontario and cause information to be compiled and studies to be undertaken;
- (k) with the consent of the owner of the property, place markers, signs, cairns or other interpretive facilities for the interest and guidance of the public;
- (l) provide assistance, advisory services and training programs to individuals, institutions, agencies and organizations in Ontario having similar aims and objectives as the Foundation.

(2) Notwithstanding subsection 1, where in his opinion it is necessary in order to ensure the carrying out of the intent and purpose of this Act, the Minister may exercise the powers of the Foundation under subsection 1.

11.—(1) The Foundation is, for all purposes of this Act, an agent of Her Majesty in right of Ontario, and its powers under this Act may be exercised only as an agent of Her Majesty in right of Ontario.

(2) Property acquired by the Foundation is the property of Her Majesty in right of Ontario and title thereto may be vested in the name of Her Majesty in right of Ontario or in the name of the Foundation.

12.—(1) The Foundation shall maintain a fund, herein-after called the “general fund”, which shall, subject to section 13, consist of moneys received by it from any source, including grants made under section 17.

(2) The Foundation may, subject to any conditions attached to moneys comprising the general fund, disburse, expend or otherwise deal with any of its general fund for the purposes of any of the objects of the Foundation and to defray any expenses in connection therewith.

13.—(1) The Foundation shall maintain a reserve fund, which shall consist of moneys received by the Foundation expressly for allocation thereto.

Income	(2) The income of the reserve fund, or any part thereof, may be paid into and form part of the general fund.
Capital expenditures	(3) The Foundation shall not expend any of the capital of its reserve fund, except for investment under clause <i>i</i> of subsection 1 of section 10, without the consent of the Lieutenant Governor in Council.
Remuneration	14. The members of the board of directors of the Foundation shall be paid such remuneration for their services as the Lieutenant Governor in Council determines and shall be paid proper travelling and other expenses incurred in the work of the Foundation.
Exemption from taxation 1970-71, c. 63 (Can.)	15. The Foundation, its real and personal property and business and income are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any property of the Foundation while leased under clause <i>g</i> of subsection 1 of section 10 to a person or organization not registered as a charitable organization under the <i>Income Tax Act</i> (Canada).
Audit	16. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor.
Grants	17. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he considers advisable and may allocate any grants so made to the general fund or reserve fund.
Guarantee of loans	18. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation.
Form of guaranteee	19. The form and manner of the guaranteee shall be such as the Lieutenant Governor in Council approves, and the guaranteee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guaranteee.
Payment of guaranteee	20. The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the require-

ments of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

21.—(1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual report

(2) The Foundation shall make such further reports to the Minister as the Minister from time to time may require. Reports

22.—(1) Any easement or covenant entered into by the Foundation may be registered against the real property affected in the proper land registry office. Easements

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the Foundation may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property and the Foundation may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant. Idem

(3) Any easement or covenant entered into by the Foundation under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property, and the assignee may enforce the easement or covenant as if it were the Foundation and it owned no other land which would be accommodated or benefitted by such easement or covenant. Assignment

23. The Foundation shall keep a Register in which particulars of all properties designated under Parts IV and VI shall be entered. Register

PART III

CONSERVATION REVIEW BOARD

24.—(1) A Review Board to be known as the “Conservation Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council. Review Board

(2) No member of the Review Board shall hold office for more than three consecutive years. Term of office

Chairman	(3) The Lieutenant Governor in Council shall appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.
Quorum	(4) One member of the Review Board constitutes a quorum.
Remuneration and expenses	(5) The members of the Review Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.
Professional assistance	(6) Subject to the approval of the Minister, the Review Board may engage persons to provide professional, technical or other assistance to the Review Board.
Hearings	(7) The Review Board shall hold such hearings and perform such other duties as are assigned to it by or under this or any other Act or regulation thereunder.
Expenditures	25. The moneys required for the purposes of the Review Board shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.
<p>PART IV</p> <p>CONSERVATION OF BUILDINGS OF HISTORIC OR ARCHITECTURAL VALUE</p> <p>DESIGNATION OF PROPERTIES BY MUNICIPALITIES</p>	
Interpretation	26. In this Part,
	<ul style="list-style-type: none"> (a) "designated property" means property in respect of which a by-law under this Part is in effect designating such property; (b) "property" means real property and includes all buildings and structures thereon.
Register	27.—(1) A Register of all properties designated under this Part within a municipality shall be kept by the clerk of the municipality in which the property is situate and shall contain,
	<ul style="list-style-type: none"> (a) a legal description of the designated property; (b) the name and address of the owner; and (c) a short statement of the reason for designation of the property.

(2) The clerk of a municipality shall issue extracts from ^{Extracts} the Register referred to in subsection 1 to any person on payment of the fee prescribed by the regulations.

28. The council of a municipality may, by by-law, establish <sup>Local
Architectural
Conservation
Advisory
Committee</sup> a local advisory committee to be known as the Local Architectural Conservation Advisory Committee composed of not fewer than five members appointed by the council to advise and assist the council on all matters relating to this Part and Part V.

29.—(1) Subject to subsection 2, where the council of a <sup>Proposed
designation</sup> municipality intends to designate a property within the municipality to be of historic or architectural value or interest, it shall cause notice of intention to designate to be given by the clerk of the municipality in accordance with subsection 3.

(2) Where the council of a municipality has appointed a ^{Consultation} local advisory committee, the council shall, before giving notice of its intention to designate a property under subsection 1, consult with its local advisory committee.

(3) Notice of intention to designate under subsection 1 <sup>Notice of
intention</sup> shall be,

- (a) served on the owner of the property and on the Foundation; and
- (b) published in a newspaper having general circulation in the municipality.

(4) Notice of intention to designate under subsection 1 <sup>Contents
of
notice</sup> shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement of the reason for the proposed designation; and
- (c) a statement that notice of objection to the designation may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

(5) A person who objects to a proposed designation shall, ^{Objection} within thirty days after the date of first publication of the notice of intention in a newspaper having general circulation in the municipality, serve on the clerk of the municipality

a notice of objection setting out the reason for the objection and all relevant facts.

Where no notice of objection

(6) Where no notice of objection is served within the thirty-day period under subsection 5, the council shall,

(a) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3.

Referral to Review Board

(7) Where a notice of objection has been served under subsection 5, the council shall, upon expiration of the thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

Hearing

(8) Pursuant to a reference by the council under subsection 7, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the council, the owner, any person who has filed an objection under subsection 5 and such other persons as the Review Board may specify, are parties to the hearing.

Place of hearing

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality at least ten days prior to the date of such hearing.

Review Board may combine hearings

(10) The Review Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing.

Application of 1971, c. 47

(11) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 8.

(12) Within thirty days after the conclusion of a hearing under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

(13) Where the Review Board fails to make a report within the time limited by subsection 12, such failure does not invalidate the procedure.

(14) After considering the report under subsection 12, the council without a further hearing shall,

(a) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner, the Foundation and on the clerk of the municipality,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3,

and its decision is final.

30. Where a notice of intention to pass a by-law designating a property is served and published under subsection 3 of section 29 and has not been withdrawn under clause b of subsection 6 or clause b of subsection 14 of section 29, the provisions of sections 33 and 34 apply to the owner of such property as if it were designated property under this Part and any permit issued by a municipality prior to the service and publication of such notice of intention that allows the alteration or demolition of such property, where the alteration and demolition has not been completed, is void.

31.—(1) Subject to subsection 2, where the council of a municipality intends to repeal a by-law or part thereof design-

nating property, it shall cause notice of intention to repeal the by-law or part thereof to be given by the clerk of the municipality in accordance with subsection 3.

Consultation

(2) Where the council of a municipality has appointed a local advisory committee, the council shall, before repealing a by-law or part thereof designating property, consult with its local advisory committee.

Notice of intention

(3) Notice of intention to repeal a by-law or part thereof under subsection 1 shall be,

(a) served on the owner of the property and on the Foundation; and

(b) published in a newspaper having general circulation in the municipality.

Contents of notice

(4) Notice of intention to repeal a by-law or part thereof under subsection 1 shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) a statement of the reason for the proposed repealing by-law; and

(c) a statement that notice of objection to the repealing by-law may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

Objection

(5) A person who objects to a proposed repealing by-law shall object to the repealing by-law in the manner set out in subsection 5 of section 29.

Application

(6) Subsections 6 to 14 of section 29 as they apply to an intention to designate a property shall apply *mutatis mutandis* to an intention to repeal a by-law or part thereof designating a property under this section.

Deletion from Register

(7) Where the council of a municipality passes a by-law repealing the designation of a property under this section, it shall cause the clerk of the municipality to delete any reference to the property from the Register referred to in subsection 1 of section 27.

32.—(1) An owner of property designated under this Application Part may apply to the council of the municipality in which the property is situate to repeal the by-law or part thereof designating the property.

(2) After consultation with its local advisory committee, ^{Decision of council} where one is established, the council shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

(a) refuse the application and cause notice of its decision to be given to the owner and to the Foundation; or

(b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,

(i) a copy of the repealing by-law to be served on the owner and the Foundation,

(ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,

(iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and

(iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

(3) The applicant and the council may agree to extend the ^{Extension of time} time under subsection 2 and, where the council fails to notify the applicant of its decision within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(4) Where the council refuses the application under sub- ^{Application for hearing} section 2, the owner may within thirty days after receipt of the notice under subsection 2 apply to the council for a hearing before the Review Board.

(5) The council shall, upon receipt of an application under ^{Referral to a Review Board} subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality at least ten days prior to the date of the hearing.

Hearing	(6) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.
Place of hearing	(7) A hearing under subsection 6 shall be held at such place in the municipality as the Review Board may determine.
Application of 1971, c. 47	(8) Sections 6 to 16 and 21 to 23 of <i>The Statutory Powers Procedure Act, 1971</i> apply to a hearing under subsection 6.
Report	(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.
Failure to report	(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.
Decision of council	<p>(11) After considering a report under subsection 9, the council without a further hearing shall,</p> <ul style="list-style-type: none"> (a) refuse the application and cause notice of its decision to be given to the owner; or (b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause, <ul style="list-style-type: none"> (i) a copy of the repealing by-law to be served on the owner and the Foundation, (ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27, (iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and (iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office,

and its decision is final.

(12) Where the council refuses an application under clause *a* of subsection 11, the owner of the property affected by the refusal may not reapply to have the designation revoked for twelve months from the service of the notice required under the said clause *a*, except with the consent of the council.

33.—(1) No owner of property designated under this Part shall alter the property or permit the alteration of the property where the alteration is likely to affect the reason for the designation as set out in subsection 6 or 14 of section 29, as the case may be, unless he applies to the council and receives consent in writing to make such alteration.

(2) An application under subsection 1 shall be accompanied by a detailed plan and shall set out such information as the council may require.

(3) The council, upon receipt of an application under subsection 1 together with such information as it may require under subsection 2, shall cause a notice of receipt to be served on the applicant.

(4) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days after the notice of receipt is served on the applicant under subsection 3 shall,

- (*a*) consent to the application;
- (*b*) consent to the application upon certain terms and conditions; or
- (*c*) refuse the application,

and shall cause notice of its decision to be given to the owner and to the Foundation.

(5) The applicant and the council may agree to extend the time under subsection 4 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(6) Where the council consents to an application upon certain terms and conditions or refuses the application, the

owner may, within thirty days after receipt of the notice under subsection 4, apply to the council for a hearing before the Review Board.

**Referral
to Review
Board**

(7) The council shall, upon receipt of a notice under subsection 6, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality, at least ten days prior to the date of such hearing.

Hearing

(8) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

**Place for
hearing**

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine.

**Application
of
1971, c. 47**

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 8.

Report

(11) Within thirty days after the conclusion of a hearing under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

**Failure
to report**

(12) Where the Review Board fails to make a report within the time limited by subsection 11, the failure does not invalidate the procedure.

**Decision
of
council**

(13) After considering the report under subsection 11, the council without a further hearing shall confirm or revise its decision under subsection 4 with such modifications as the council considers proper and shall cause notice of its decision to be served on the owner and the Foundation and to the other parties to the hearing, and its decision is final.

**Application
for
demolition**

34.—(1) No owner of property designated under this Part shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property unless he applies to the council of the municipality in which the property is situate and receives consent in writing to such demolition or removal.

(2) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

- (a) consent to the application; or
- (b) refuse the application and prohibit any work to demolish or remove any building or structure on the property for a period of 180 days from the date of its decision,

and shall cause notice of its decision,

- (c) to be given to the owner and to the Foundation; and
- (d) to be published in a newspaper having general circulation in the municipality,

and its decision is final.

(3) The applicant and the council may agree to extend the time under subsection 2 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(4) Notwithstanding subsection 1, where the period of 180 days prohibiting any work to demolish or remove any building or structure on a property under clause b of subsection 2 has expired and the owner has not agreed to an extension of such period, or where the extension of time agreed upon by the owner and the council under subsection 3 has expired, the owner may proceed to demolish or remove the building or structure on the property subject to the provisions of any other Act or regulation thereunder.

(5) Where,

- (a) the council consents to an application under clause a of subsection 2, or is deemed to have consented to an application under subsection 3; or
- (b) the period of 180 days under clause b of subsection 2 has expired or where the extension of time agreed upon by the owner and the council under

subsection 3 has expired and the demolition or removal of the building or structure on the property has been completed,

the council shall pass a by-law repealing the by-law or part thereof designating the property and shall cause,

- (c) a copy of the repealing by-law to be served on the owner and on the Foundation;
- (d) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality;
- (e) reference to the property to be deleted from the Register referred to in subsection 1 of section 27; and
- (f) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

New
owner
to give
notice

35. Every person who becomes the owner of property designated under this Part shall give notice to the clerk of the municipality in which the property is situate of the change in ownership within thirty days of his becoming owner of the property.

Purchase or
lease
by-laws

36.—(1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Exprop-
riating
by-law
R.S.O. 1970,
c. 154

(2) Subject to *The Expropriations Act*, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Delegation

(3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

37.—(1) Any easement or covenant entered into by a council of a municipality may be registered, against the real property affected where the property is designated under this Part, in the proper land registry office.

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the council of the municipality may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property, and the council of the municipality may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant.

(3) Any easement or covenant entered into by the council of a municipality under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property and the assignee may enforce the easement or covenant as if it were the council of the municipality and it owned no other land which would be accommodated or benefitted by such easement or covenant.

38.—(1) For the purpose of carrying out this Part, any person authorized by the council of a municipality in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 3 of section 29.

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

39.—(1) The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under subsection 1, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made.

PART V

HISTORIC CONSERVATION DISTRICTS

Historic conservation districts

40.—(1) The council of a municipality may by by-law define the municipality or one or more areas thereof as an area to be examined for future designation as a historic conservation district and the council may, after such examination is completed, prepare official plan provisions with respect to such designation.

Consultation

(2) Where the council of a municipality has established a local advisory committee under section 28, such council shall, before passing a by-law to define the municipality or one or more areas as an area to be examined for future designation as a historic conservation district under subsection 1, consult with its local advisory committee.

Designation of historic conservation district

41.—(1) Subject to subsection 2, where there is in effect in a municipality an official plan that contains provisions relating to the establishment of historic conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a historic conservation district.

Part IV not to be designated

(2) No property designated by a council of a municipality under Part IV shall be designated as part of a historic conservation district under this Part.

Approval of Board required

(3) A by-law passed under subsection 1 does not come into force without the approval of the Board.

Notice

(4) The council of the municipality shall, in such manner and to such persons as the Board may direct, cause notice of its application to be given to the Board for approval of a by-law under subsection 1.

Notice to Foundation

(5) The council of a municipality shall, in addition to any notice required under subsection 4, cause notice to be given to the Foundation of its application to the Board for approval of a by-law under subsection 1.

Hearing

(6) The Board shall, before approving a by-law under subsection 1, hold a hearing open to the public for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

(7) The Board may approve a by-law under subsection 1^{Approval by Board} as to the whole or any part of the area defined therein and such approval does not become effective until the issue by the Board of its formal order thereof.

(8) Unless the council of the municipality applies to the^{Expiry} Board for approval of a by-law under subsection 1, within fourteen days from the date that it is passed by the council, such by-law shall be deemed to be repealed on the expiry of the fourteen days.

42. Where a by-law has been passed under section 41,^{Erection, demolition, alteration or removal prohibited} no person shall in the area defined in the by-law erect, demolish or remove any building or structure, or alter the prohibited external portions thereof, without a permit therefor issued by the council of the municipality unless,

- (a) the by-law has been deemed to be repealed under subsection 8 of section 41;
- (b) the Board has issued an order refusing approval of the by-law; or
- (c) in the case of demolition or removal, 180 days have elapsed as provided for in subsection 2 of section 44.

43.—(1) An application for a permit referred to in^{Application} section 42 shall be made to the council of the municipality and shall contain or be accompanied by such information, drawings and other material as may reasonably be required by the council to fully consider the application.

(2) An application under subsection 1 shall be considered^{Decision of} by the council and the council, within ninety days of the^{council} receipt of the completed application or such longer period as is mutually agreed by the applicant and the council, shall,

- (a) issue the permit as requested; or
- (b) advise the applicant in writing that a permit is refused.

(3) Such terms and conditions as the council considers^{Terms and conditions} desirable may be attached to a permit issued under subsection 2.

44.—(1) Where an application under section 43 to the^{Erection or alteration} council of a municipality for a permit to erect a building or structure or to alter the external portions of any building or structure is refused or the council fails to make a decision

thereon within the period provided for in section 43 or the council attaches terms or conditions to a permit, the applicant may, within thirty days of receipt of a permit or advice in writing from the council under subsection 2 of section 43, appeal to the Board and the Board shall hear the appeal and,

- (a) dismiss the same; or
- (b) direct that the permit be issued with or without such terms and conditions as the Board by its order may direct.

**Demolition
or removal**

(2) Where an application under section 43 to the council of the municipality for a permit to demolish or remove a building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43, the applicant, upon expiration of a period of 180 days from the date of refusal by the council to issue a permit or from the expiration of the period provided for in section 43 may proceed to demolish or remove the building or structure subject to the provisions of any other Act or regulation thereunder.

Application

45. The provisions of sections 36, 37, 38 and 39 apply in respect of any building or structure and the land appurtenant thereto that is situate within the area that has been designated by by-law under this Part as a historic conservation district.

Delegation

46. The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its powers under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

**Interpre-
tation**

47. In this Part,

- (a) “designated property” means property that is designated by the Minister under this Part;
- (b) “property” means real property, but does not include buildings or structures other than ruins, burial mounds, petroglyphs and earthworks.

48.—(1) Subject to subsection 2, no person shall carry out archaeological exploration, an archaeological survey or field work without a licence therefor issued by the Minister under this Part.

(2) A licence is not required for archaeological exploration, an archaeological survey or field work on property that is listed in the regulations.

(3) The Minister, before granting or renewing a licence, refusing to grant or renew a licence or suspending or revoking a licence, shall consult with the Foundation.

(4) A licence is effective only in the geographical area defined therein, expires on the date of expiry set out in the licence and may contain such particular terms and conditions to give effect to the purposes of this Part as the Minister may direct.

(5) A licence is not transferable.

Licence not transferable

(6) Subject to subsection 8, any person who applies in accordance with this Part and the regulations for a licence to carry out archaeological exploration or field work is entitled to be issued a licence by the Minister.

(7) Subject to subsection 8, a licensee who makes application in accordance with this Part and the regulations for renewal of his licence is entitled to a renewal of his licence by the Minister.

(8) Subject to section 49, the Minister may refuse to issue a licence if in his opinion,

(a) the applicant is not competent to conduct archaeological exploration or field work in a responsible manner in accordance with this Part and the regulations;

(b) the past conduct of the applicant affords reasonable grounds for belief that the archaeological exploration or field work will not be carried out in accordance with this Part and the regulations.

(9) Subject to section 49, the Minister may refuse to renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under subsection 8 if he were an applicant, or where the licensee is in breach of a term or condition of the licence.

Notice of proposal to refuse or revoke

49.—(1) Where the Minister proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

Powers of Minister where no hearing

(3) Where an applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

Referral to Review Board

(4) Where an applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing to determine whether the Minister should refuse to grant or renew a licence or should suspend or revoke a licence, as the case may be, and the Minister, the applicant or licensee and such other persons as the Review Board may specify are parties to the hearing.

Place of hearing

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Application of 1971, c. 47

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Report

(8) The Review Board shall, within thirty days after the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact, its recommendations and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure to report

(9) If the Review Board fails to make a report within the time limited by subsection 8, such failure does not invalidate the procedure.

(10) After considering the report under this section, the Minister without a further hearing shall carry out his proposal or refrain from carrying out his proposal or take such action as he considers proper in accordance with this Part and the regulations, and his decision is final.

(11) Notwithstanding subsection 1, the Minister may cancel a licence at the request in writing of the licensee in the prescribed form surrendering his licence.

50.—(1) The Minister may extend the time for requiring a hearing under section 49, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

(2) Where, before expiry of his registration, a licensee has applied for renewal of his registration, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

51. Notwithstanding sections 49 and 50, the Minister, by notice to a licensee and without a hearing, may provisionally refuse renewal of, suspend or revoke a licence where in the Minister's opinion it is necessary to do so for the immediate protection and preservation of a property or an object for the purposes of this Part or where the continuation of exploration or field work under the licence is in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 49 apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 49.

52.—(1) Where the Minister, after consultation with the Foundation, intends to designate a property to be of archaeological or historical significance, he shall cause notice

of intention to designate to be given by the Foundation in accordance with subsection 2.

Notice of intention

(2) Notice of intention to designate under subsection 1 shall be,

- (a) served on the owner of the property and on the clerk of the municipality in which the property is situate; and
- (b) published in a newspaper having general circulation in the municipality in which the property is situate.

Contents of notice

(3) Notice of intention to designate under subsection 1 shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement of the reason for the proposed designation;
- (c) a statement of the period of time that the designation of the property is to remain in effect; and
- (d) a statement that notice of objection to the designation may be served on the Minister within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate.

Objection

(4) A person who objects to a proposed designation may, within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate, serve on the Minister a notice of objection setting out the reason for the objection and all relevant facts.

Where no notice of objection

(5) Where no notice of objection is served within the thirty-day period under subsection 4, the Minister shall,

- (a) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,
 - (i) to be registered against the property affected in the proper land registry office, and

- (ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

- (b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2.

(6) Where a notice of objection has been served under subsection 4, the Minister shall, upon expiration of the ^{Referred to Review Board} thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

(7) Pursuant to a reference by the Minister under subsection ^{Hearing} 6, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the Minister, the owner, any person who has filed an objection under subsection 4 and such other persons as the Review Board may specify, are parties to the hearing.

(8) A hearing under subsection 7 shall be held at such place ^{Place of hearing} in the municipality in which the property is situate as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

(9) The Review Board may combine two or more related hearings to conduct them in all respects and for all purposes ^{Review Board may combine hearings} as one hearing.

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 7. ^{Application of 1971, c. 47}

(11) Within thirty days after the conclusion of a hearing ^{Report} under subsection 7, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Act and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure
to report

(12) Where the Review Board fails to make a report within the time limited by subsection 11, such failure does not invalidate the procedure.

Decision of
Minister

(13) After considering the report under subsection 11, the Minister without a further hearing shall,

(a) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2,

and his decision is final.

Application
of s. 56

53. Where a notice of intention to designate a property has been served and published under subsection 2 of section 52 and has not been withdrawn under clause b of subsection 5 or clause b of subsection 13 of section 52, the provisions of section 56 apply as if such property were designated property.

Revocation
of order

54. The Minister may at any time, after consultation with the Foundation, order the designation of a property designated under this Part to be revoked and where the designation is revoked shall,

(a) cause a copy of the revoking order to be served on the owner and on the clerk of the municipality in which the property is situate;

- (b) cause notice of the revoking order to be published in a newspaper having general circulation in the municipality in which the property is situate;
- (c) cause reference to the property to be deleted from the Register referred to in section 23; and
- (d) cause a copy of the revoking order to be registered against the property affected in the proper land registry office.

55.—(1) An owner of property designated under this Part ^{Application} may apply to the Minister to have the designation revoked.

(2) The Minister after consultation with the Foundation ^{Decision of Minister} shall consider an application under subsection 1 and may consult with the council of the municipality in which the designated property is situate and within ninety days of receipt thereof shall,

- (a) refuse the application and cause notice of his decision to be given to the owner; or
- (b) consent to the application and order the designation of the property to be revoked, and shall cause,
 - (i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,
 - (ii) reference to the property to be deleted from the Register referred to in section 23,
 - (iii) notice of such revocation of the designation of the property to be published in a newspaper having general circulation in the municipality in which the property is situate, and
 - (iv) a copy of the order to be registered against the property affected in the proper land registry office.

(3) The applicant and the Minister may agree to extend ^{Extension of time} the time under subsection 2 and, where the Minister fails to notify the applicant of his decision within ninety days

of receipt of the application or within such extended time as may be agreed upon, the Minister shall be deemed to have consented to the application.

**Application
for hearing**

(4) Where the Minister refuses an application under subsection 2, the owner may, within thirty days after receipt of the notice under subsection 2, apply to the Minister for a hearing before the Review Board.

**Referral
to Review
Board**

(5) The Minister shall, upon receipt of a notice under subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality in which the designated property is situate at least ten days prior to the date of the hearing.

Hearing

(6) The Review Board shall, as soon as is practicable, hold a hearing open to the public to review the application and the Minister and the owner and such other persons as the Review Board may specify are parties to the hearing.

**Place of
hearing**

(7) A hearing under subsection 6 shall be held at such place in the municipality in which the property is situate as the Review Board may determine.

**Application
of 1971, c. 47**

(8) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 6.

Report

(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

**Failure
to report**

(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.

**Decision of
Minister**

(11) After considering the report under subsection 9, the Minister without a further hearing shall,

(a) refuse the application and cause notice of his decision to be given to the owner; or

(b) consent to the application and order the designation of the property revoked, and cause,

(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,

- (ii) reference to the property to be deleted from the Register referred to in section 23,
- (iii) notice of the revocation to be published in a newspaper having general circulation in the municipality in which the property is situate, and
- (iv) a copy of the order to be registered against the property affected in the proper land registry office,

and his decision is final.

56.—(1) No person shall excavate or alter property ^{Permit required} designated under this Part or remove any object therefrom unless he applies to the Minister and receives a permit therefor.

(2) An applicant is entitled to a permit or renewal of a ^{Issuance of permit} permit by the Minister to excavate or alter designated property and remove objects therefrom except where the Minister is of the opinion that such excavation, alteration or the taking or removal of objects would impair or interfere with the protection of the designated property.

(3) A permit is subject to such terms and conditions to ^{Terms and conditions of permit} give effect to the purposes of this Part, including terms of rehabilitation and security therefor as are consented to by the applicant, imposed by the Minister or prescribed by the regulations.

(4) A permit is not transferable.

^{Permit not transferable}

57. Subject to section 58, the Minister may refuse to ^{Revocation and refusal to renew} renew or may suspend or revoke a permit for any reason that would disentitle the permittee to a permit under section 55 if he were an applicant or where the permittee is in breach of a term or condition of the permit.

58.—(1) Where the Minister proposes to refuse to grant ^{Notice of proposal of Minister} or renew a permit or proposes to suspend or revoke a permit, he shall serve notice of his proposal together with written reasons therefor on the applicant or permittee.

(2) A notice under subsection 1 shall notify the applicant ^{Contents of notice} or permittee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing.

Minister
may carry
out
proposals

(3) Where the applicant or permittee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposals stated in his notice under subsection 1.

Referral
to Review
Board

(4) Where an applicant or permittee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing as to whether the permit to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or permittee and such other persons as the Review Board may specify shall be parties to the hearing.

Place of
hearing

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Application
of 1971, c. 47

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Report

(8) Within thirty days after the conclusion of a hearing under subsection 5, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to the issue, renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Decision of
Minister

(9) After considering a report made under this section, the Minister shall without a further hearing confirm or revise his decision under subsection 1 with such modifications as the Minister considers proper and shall give notice of his decision and the reasons therefor to the applicant or permittee and to the other parties to the hearing, and his decision is final.

Extension
of time

59.—(1) The Minister may extend the time for requiring a hearing under section 58, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or permittee pursuant to a hearing and that there are reasonable

grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

(2) Where, before expiry of his registration, a permittee has applied for renewal of his registration, his registration shall be deemed to continue, ^{Continuance pending renewal}

(a) until the renewal is granted; or

(b) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

60. Notwithstanding sections 58 and 59, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of, or suspend the permit where the continuation of operations under the permit is, in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 58 apply as if the notice given under this section were a notice of a proposal to revoke the permit under subsection 1 of section 58.

61. The issue of a licence under section 48 or a permit under section 56 does not authorize the holder of such licence or permit to enter upon any property. ^{Licence or permit not authority to enter}

62.—(1) Where the Minister after consultation with the Foundation is of the opinion that property is of archaeological or historical significance and is likely to be altered, damaged, or destroyed by reason of commercial, industrial, agricultural, residential or other development, the Minister may issue a stop order directed to the person responsible for such commercial, industrial, agricultural, residential or other development prohibiting any work on the property for a period of no longer than 180 days, and within that period may examine the property and remove or salvage objects therefrom. ^{Stop order}

(2) Where a stop order is made by the Minister under subsection 1 and no agreement as to payment of compensation has been reached by the Minister and the person affected by the stop order, the person affected by the stop order shall be entitled to compensation for personal or business damages resulting from the stop order, and the provisions of *The Expropriations Act* with respect to the negotiation, payment and fixing of compensation apply *mutatis mutandis* as if the stop order imposed by this Part were an expropriation of rights. ^{Compensation R.S.O. 1970, c. 154}

Compensation where
property designated

63. Where property is designated under section 52 and no agreement as to the payment of compensation has been reached by the Minister with the owner, the owner shall be entitled to compensation for personal or business damages for the period provided for in the order designating the property, and the provisions of *The Expropriations Act* with respect to the negotiation, payment, and fixing of compensation apply *mutatis mutandis* as if the designation and the resulting restrictions imposed by this Act were an expropriation of rights.

Inspection

64.—(1) For the purpose of carrying out this Part, any person authorized by the Minister in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 2 of section 52.

Obstruction of
investigator

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

Report of field
work

65.—(1) Within a reasonable time after the close of each season's field work, every licensee shall furnish to the Minister a report containing full details of the work done, including details of any stratification or other chronological evidence encountered, and such other information as the Minister may require.

Report of archaeo-
logical sites

(2) When so required by the Minister, a person, organization or corporation shall prepare and file with the Minister particulars of all property of archaeological or historical significance in Ontario, known to such person, organization or corporation.

Objects may be
held in trust

66.—(1) The Minister may direct that any object taken under the authority of a licence or a permit be deposited in such public institution as he may determine to be held in trust for the people of Ontario.

Idem

(2) Any object that is taken by a person who is not a licensee or by a licensee in contravention of his licence or this Part may be seized by a person authorized so to do by the Minister and deposited in such public institution as the Minister may determine to be held in trust for the people of Ontario.

PART VII

GENERAL

67.—(1) Any notice or order required to be given, delivered ^{Service} or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last known address.

(2) Where service is made by mail, the service shall be ^{Idem} deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

(3) Any notice required to be published in a newspaper ^{Publication} having general circulation in the municipality in which a property is situate shall be published in that newspaper once for each of three consecutive weeks.

68.—(1) Where, before the date this Act comes into force, ^{Designation under private Acts} a building or structure is designated by any private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and the provisions of Part IV shall apply.

(2) Where, before the date this Act comes into force, land ^{Land deemed to be property under Part VI c. 26 R.S.O. 1970,} was designated under *The Archaeological and Historic Sites Protection Act* as an archaeological or historic site, as the case may be, the land shall be deemed to be property designated under Part VI of this Act and the provisions of Part VI shall apply.

(3) Where there is a conflict between any provision of this ^{Conflict} Act or the regulations and any other Act or regulation, the provisions of this Act or the regulations shall prevail.

69.—(1) Subject to subsection 2, every person who, ^{Offences}

(a) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$50,000 and not as provided therein.

Consent of Minister (3) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

No offence (4) No person is liable under subsection 1 where the person has altered or permitted the alteration of property designated under this Act, where, after having notified the clerk of the municipality in which the property is situate, the alteration has been carried out for reasons of public health, safety or the preservation of the property.

Recovery of restoration costs (5) Except where,
 (a) in the opinion of the council of a municipality, a property is in an unsafe condition or incapable of repair; or
 (b) an alteration of a property has been carried out for reasons of public health, or the preservation of the property,

where a property designated under Part IV is altered without the consent of the council of the municipality in which the property is situate, the council of the municipality may, in addition to any other penalty imposed under this Act, where it is practicable, restore the property as close as possible to its previous condition and the council of the municipality may recover the cost of such restoration from the owner of the designated property.

Idem (6) For the purpose of subsection 5, the council of a municipality may authorize any person in writing to enter on the designated property to carry out restorations.

Regulations **70.** The Lieutenant Governor in Council may make regulations,

(a) governing applications for payment of grants or loans under this Act;

- (b) prescribing forms and providing for their use;
- (c) affixing fees or charges for services rendered under this Act;
- (d) governing applications for a licence or renewal of a licence and prescribing the terms and conditions thereof;
- (e) providing for the apportionment and distribution of moneys appropriated by the Legislature for,
 - (i) the establishment, maintenance, development and promotion of museums and historical institutions and providing for the condition covering the payment thereof,
 - (ii) any person, organization or corporation who, with the consent of the owner of the property, places markers, signs, cairns or other interpretive facilities for the interest and guidance of the public; and
- (f) listing properties for which no licence is required under Part VI for archaeological exploration, an archaeological survey or field work.

71. The following are repealed:

Repeals

1. *The Ontario Heritage Foundation Act*, being chapter 315 of the Revised Statutes of Ontario, 1970.
2. *The Archaeological and Historic Sites Protection Act*, being chapter 26 of the Revised Statutes of Ontario, 1970.
3. Section 8 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

72. This Act comes into force on a day to be named by ^{Commencement} proclamation of the Lieutenant Governor.

73. This Act may be cited as *The Ontario Heritage Act*, ^{Short title} 1974.



An Act to provide for the Conservation,
Protection and Preservation of the
Heritage of Ontario

1st Reading

December 12th, 1974

2nd Reading

3rd Reading

THE HON. J. A. C. AULD
Minister of Colleges and Universities

(*Government Bill*)

CAZON
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-B 56

Ontario Legislative Assembly

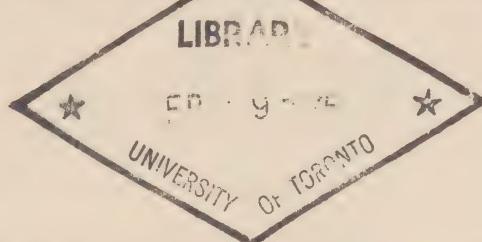
BILL 176

Government
Publications

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to provide for the Conservation, Protection and
Preservation of the Heritage of Ontario



THE HON. J. A. C. AULD
Minister of Colleges and Universities

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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TABLE OF CONTENTS

		SEC.	PAGE
PART	I — Heritage Conservation, Protection and Preservation	2, 3	2
PART	II — Ontario Heritage Foundation.....	4-23	2
PART	III — Conservation Review Board.....	24, 25	7
PART	IV — Conservation of Buildings of Historic or Architectural Value—Designation of Properties by Municipalities.....	26-39	8
PART	V — Historic Conservation Districts.....	40-46	20
PART	VI — Conservation of Resources of Archaeo- logical Value.....	47-66	22
PART	VII — General.....	67-73	35

EXPLANATORY NOTES

The purpose of the Bill is to provide for the conservation, protection and preservation of Ontario's Heritage resources.

The Bill,

- (a) repeals *The Ontario Heritage Foundation Act*, but continues and expands the role of the Ontario Heritage Foundation;
- (b) provides for the conservation, protection and preservation of buildings of historic or architectural value; and
- (c) repeals *The Archaeological and Historic Sites Protection Act* and provides greater protection for Ontario's archaeological resources.

Some features of the Bill are as follows:

PART I

This Part establishes the overall responsibility of the Minister for heritage conservation, protection and preservation.

PART II

The Ontario Heritage Foundation is continued with expanded objects and powers.

SECTION 9 of the Act assigns to the Foundation the power to advise and make recommendations to the Minister on all matters relating to heritage conservation.

SECTION 10.—Subsection 1. The powers of the Foundation are redefined and expanded and the Foundation is obliged to adhere to policies and priorities established by the Minister.

Subsection 2. The Minister is given the authority to assume the powers of the Foundation where he deems it necessary or appropriate in the interests of heritage conservation, protection and preservation.

PART III

This Part provides for the establishment of a Conservation Review Board to conduct hearings and make recommendations with respect to matters referred to it by the Minister under Part VI and by the council of a municipality under Part IV.

PART IV

This Part provides for the designation of buildings of historic or architectural interest by a council of a municipality.

SECTION 27. A register of all properties designated within a municipality under this Part shall be kept by the clerk of the municipality in which the property is situate.

SECTION 28. Provides for the establishment of local advisory committees to assist councils of municipalities.

SECTION 29. Provides for the designation of buildings of historic or architectural interest by the council of a municipality. Provision is also made for a hearing to review a proposed designation where a notice of objection is filed with the clerk of the municipality.

SECTION 30. This section provides that in certain circumstances a permit issued by a municipality to alter or demolish a property is void.

SECTION 31. Provision is made for the council of a municipality to repeal a by-law or part thereof designating property and provides for a hearing to review such a proposal where a notice of objection is filed with the clerk.

SECTION 32. An owner of designated property may apply to the council of the municipality to repeal the by-law or part thereof designating the property and where the council refuses the application, provision is made for a hearing to review the matter.

SECTION 33. This section prohibits the alteration of a designated property without the consent of the council where the alteration is likely to affect the reason for the designation. Provision is also made for a hearing to review the decision of the council where the council refuses the application or the owner objects to the terms and conditions under which the council has given its consent.

SECTION 34. This section prohibits the demolition of a designated property without the consent of the council. The council may consent to the application or refuse the application and prohibit demolition for a period of 180 days. After the expiration of 180 days, the owner may proceed to demolish or remove the building.

SECTION 35. New owners of designated property are required to notify the clerk of the municipality of the change in ownership.

SECTION 36. A council of a municipality may expropriate a property designated under this Part. A council of a municipality may also pass by-laws providing for acquiring by purchase, lease or otherwise any property or part thereof designated under this Part and for disposing of such property by sale, lease or otherwise when no longer required.

SECTION 37. Consistent with section 22 of the Bill.

SECTION 38. Provision is made for inspection of designated property and property that is proposed to be designated where notice has been given under section 29.

SECTION 39. A council of a municipality may pass by-laws enabling it to make grants or loans to owners of property designated under this Part to meet the cost of altering such property. Loans may be recovered from owners during a period not to exceed five years.

PART V

Where there is in effect in a municipality an official plan containing provisions for the establishment of historic conservation districts, the council of a municipality may by by-law designate the municipality or any defined area in the municipality as a historic conservation district. The by-law does not come into force without the approval of the Ontario Municipal Board.

Where a by-law is passed under this Part, no person shall erect, demolish or remove any building or structure, or alter the external portions of any building or structure within the designated area without a permit issued therefor by the council of the municipality.

Procedures for applying for a permit to alter or demolish under this Part are parallel to the procedures provided in Part IV, except that where the council refuses an application for alteration or where the owner objects to the terms and conditions under which the council has granted its consent, the owner may appeal to the Ontario Municipal Board.

PART VI

SECTIONS 48-51. Prohibit archaeological exploration, archaeological surveys or field work without a licence issued by the Minister, except on properties exempted under the regulations. Provision is made for a hearing where the Minister proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence.

SECTION 52. Provides for the designation by the Minister of property that is of archaeological or historic significance. Provision is also made for a hearing to review a proposed designation where a notice of objection is filed with the Minister.

SECTION 53. The provisions of section 56 apply where a notice of intention to designate has been served and published under section 52.

SECTION 54. Provision is made for the Minister to revoke a designation under this Part.

SECTION 55. An owner of designated property may apply to the Minister to have the designation revoked, and, where the Minister refuses the application, provision is made for a hearing to review the matter.

SECTION 56. A permit is required to excavate or alter designated property or remove any object therefrom.

SECTION 57. Self-explanatory.

SECTIONS 58, 59. Where the Minister refuses to grant or renew a permit or proposes to suspend or revoke a permit, the applicant or permittee, as the case may be, is entitled to a hearing to review the matter.

SECTION 60. Where, in the opinion of the Minister, it is in the public interest, the Minister may provisionally refuse renewal of or suspend the permittee's permit.

SECTION 61. Self-explanatory.

SECTION 62. The Minister may issue a temporary stop order to prohibit work on any property in order to examine the property or to remove an object from the property where the property is, in his opinion, of archaeological or historic significance. Persons affected by a stop order are entitled to compensation for personal or business damages resulting from the stop order.

SECTION 63. An owner of property designated under this Part is entitled to compensation for personal or business damages resulting from the designation.

SECTION 64. Consistent with section 38 of the Bill.

SECTION 65.—Subsection 1. Provides for persons licensed under this Part to furnish reports to the Minister on all field work carried out under the authority of the licence.

Subsection 2. Requires a person, at the request of the Minister, to prepare and file particulars of all property of archaeological or historic significance in Ontario known to the person.

SECTION 66. Self-explanatory.

PART VII

This Part deals generally with service under the Act, conflicts with other legislation, offences, recovery of restoration costs and the making of regulations.

BILL 176

1974

**An Act to provide for the
Conservation, Protection and Preservation
of the Heritage of Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "alter" means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning;
- (b) "Board" means the Ontario Municipal Board;
- (c) "donation" includes any gift, testamentary disposition, deed or trust or other form of contribution;
- (d) "Foundation" means the Ontario Heritage Foundation;
- (e) "inspect" includes to survey, photograph, measure and record;
- (f) "licence" means a licence issued under this Act;
- (g) "local advisory committee" means a local architectural conservation advisory committee;
- (h) "Minister" means the Minister of Culture and Recreation;
- (i) "municipality" means a city, town, village, township or improvement district and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act; R.S.C. 1970,
c. I-6
- (j) "object" means an object of archaeological or historic significance;

- (k) "owner" means the person registered on title in the proper land registry office as owner;
- (l) "permit" means a permit issued under this Act;
- (m) "person" includes a municipality;
- (n) "regulations" means the regulations made under this Act;
- (o) "Review Board" means the Conservation Review Board.

PART I

HERITAGE CONSERVATION, PROTECTION AND PRESERVATION

Administration
of Act

2. The Minister is responsible for the administration of this Act, and he may determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario.

Officers
and staff
R.S.O. 1970,
c. 386

3. Such officers, clerks and servants may be appointed or transferred under *The Public Service Act* as are considered necessary from time to time for the administration of this Act.

PART II

ONTARIO HERITAGE FOUNDATION

Interpre-
tation

4. In this Part, "property" means real and personal property.

Ontario
Heritage
Foundation
continued

5.—(1) The Ontario Heritage Foundation is continued as a body corporate.

Composition
of
Foundation

(2) The Foundation shall consist of a board of directors of not fewer than twenty-one persons who shall be appointed by the Lieutenant Governor in Council.

Board to
manage
affairs of
Foundation

(3) The board of directors shall manage and conduct the affairs of the Foundation.

Chairman

(4) The Lieutenant Governor in Council shall designate one of the directors to be the chairman and one or more of them to be vice-chairman or vice-chairmen of the board of directors.

Term of
office

(5) A director may be appointed for a term not exceeding three years, but may be eligible for reappointment except

that a director shall not serve for more than two consecutive terms, but any such director shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

(6) A majority of the directors constitutes a quorum. Quorum

(7) Where a vacancy occurs for any reason in the office of director, the vacancy may be filled by appointment by the Lieutenant Governor in Council and a person so appointed shall hold office for the remainder of the term of his predecessor. Vacancy

6. *The Corporations Act* does not apply to the Foundation. R.S.O. 1970,
c. 89 not
to apply

7. The objects of the Foundation are, Objects
of
Foundation

- (a) to advise and make recommendations to the Minister on any matter relating to the conservation, protection and preservation of the heritage of Ontario;
- (b) to receive, acquire and hold property in trust for the people of Ontario;
- (c) to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;
- (d) to preserve, maintain, reconstruct, restore and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest;
- (e) to conduct research, educational and communications programs necessary for heritage conservation, protection and preservation.

8. The directors of the Foundation may, subject to the approval of the Minister, make such by-laws as are necessary for, By-laws

- (a) the administration of the Foundation;
- (b) the establishment, appointment and condition of membership therein;
- (c) the establishment of such honorary offices as they consider desirable, and the appointment of persons thereto; and
- (d) any other matter necessary for carrying out the objects of the Foundation.

Powers
of
Foundation

9. The Foundation may advise and make recommendations to the Minister on any matter relating to property of historical, architectural, archaeological, recreational, aesthetic or scenic interest and to advise and assist the Minister in all matters to which this Act refers and in all matters as are assigned to it by or under any Act or regulation thereunder.

Further
powers
of
Foundation

10.—(1) The Foundation, in accordance with the policies and priorities determined by the Minister for the conservation, protection and preservation of the heritage of Ontario and with the approval of the Minister, may,

- (a) receive, acquire by purchase, donation, lease, public subscription, grant, bequest or otherwise, and hold, preserve, maintain, reconstruct, restore, and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest for the use, enjoyment and benefit of the people of Ontario;
- (b) enter into agreements, covenants and easements with owners of real property, or interests therein, for the conservation, protection and preservation of the heritage of Ontario;
- (c) conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical, architectural and archaeological matters;
- (d) enter into agreements with prospective donors, subject to any conditions governing the use of property;
- (e) enter into agreements with persons respecting any matter within the objects of the Foundation, and to provide financial assistance by way of grant or loan to such persons pursuant to any such agreements with regard to educational, research and communications programs, the maintenance, restoration and renovation of property and the management, custody and security of property;
- (f) engage the services of experts and other persons;
- (g) subject to the terms of any trust in connection with such property, dispose of property by sale, lease or any other manner and execute such deeds or other instruments as may be required to effect such disposal;

- (h) borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 18;
- (i) invest its funds, but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario;
- (j) undertake programs of research into and documentation of matters relating to the heritage of Ontario and cause information to be compiled and studies to be undertaken;
- (k) with the consent of the owner of the property, place markers, signs, cairns or other interpretive facilities for the interest and guidance of the public;
- (l) provide assistance, advisory services and training programs to individuals, institutions, agencies and organizations in Ontario having similar aims and objectives as the Foundation.

(2) Notwithstanding subsection 1, where in his opinion it is necessary in order to ensure the carrying out of the intent and purpose of this Act, the Minister may exercise the powers of the Foundation under subsection 1.

Minister
may
exercise
powers
of
Foundation

11.—(1) The Foundation is, for all purposes of this Act, an agent of Her Majesty in right of Ontario, and its powers under this Act may be exercised only as an agent of Her Majesty in right of Ontario.

Crown
agency

(2) Property acquired by the Foundation is the property of Her Majesty in right of Ontario and title thereto may be vested in the name of Her Majesty in right of Ontario or in the name of the Foundation.

12.—(1) The Foundation shall maintain a fund, herein-after called the “general fund”, which shall, subject to section 13, consist of moneys received by it from any source, including grants made under section 17.

General
fund

(2) The Foundation may, subject to any conditions attached to moneys comprising the general fund, disburse, expend or otherwise deal with any of its general fund for the purposes of any of the objects of the Foundation and to defray any expenses in connection therewith.

Operating
expend-
itures

13.—(1) The Foundation shall maintain a reserve fund, which shall consist of moneys received by the Foundation expressly for allocation thereto.

Reserve
fund

Income	(2) The income of the reserve fund, or any part thereof, may be paid into and form part of the general fund.
Capital expenditures	(3) The Foundation shall not expend any of the capital of its reserve fund, except for investment under clause <i>i</i> of subsection 1 of section 10, without the consent of the Lieutenant Governor in Council.
Remuneration	14. The members of the board of directors of the Foundation shall be paid such remuneration for their services as the Lieutenant Governor in Council determines and shall be paid proper travelling and other expenses incurred in the work of the Foundation.
Exemption from taxation	15. The Foundation, its real and personal property and business and income are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any property of the Foundation while leased under clause <i>g</i> of subsection 1 of section 10 to a person or organization not registered as a charitable organization under the <i>Income Tax Act</i> (Canada).
1970-71, c. 63 (Can.)	
Audit	16. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor.
Grants	17. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he considers advisable and may allocate any grants so made to the general fund or reserve fund.
Guaranteee of loans	18. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation.
Form of guaranteee	19. The form and manner of the guaranteee shall be such as the Lieutenant Governor in Council approves, and the guaranteee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guaranteee.
Payment of guaranteee	20. The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the require-

ments of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

21.—(1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Foundation shall make such further reports to the Minister as the Minister from time to time may require.

22.—(1) Any easement or covenant entered into by the Foundation may be registered against the real property affected in the proper land registry office.

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the Foundation may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property and the Foundation may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant.

(3) Any easement or covenant entered into by the Foundation under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property, and the assignee may enforce the easement or covenant as if it were the Foundation and it owned no other land which would be accommodated or benefitted by such easement or covenant.

23. The Foundation shall keep a Register in which particulars of all properties designated under Parts IV and VI shall be entered.

PART III

CONSERVATION REVIEW BOARD

24.—(1) A Review Board to be known as the “Conservation Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council.

 (2) A member of the Review Board may be appointed for a term not exceeding three years, but may be eligible for reappointment except that a member shall not serve for more than two consecutive terms, but any such member

shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

Chairman	(3) The Lieutenant Governor in Council shall appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.
Quorum	(4) One member of the Review Board constitutes a quorum.
Remuneration and expenses	(5) The members of the Review Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.
Professional assistance	(6) Subject to the approval of the Minister, the Review Board may engage persons to provide professional, technical or other assistance to the Review Board.
Hearings	(7) The Review Board shall hold such hearings and perform such other duties as are assigned to it by or under this or any other Act or regulation thereunder.
Expenditures	25. The moneys required for the purposes of the Review Board shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

PART IV

CONSERVATION OF BUILDINGS OF HISTORIC OR ARCHITECTURAL VALUE

DESIGNATION OF PROPERTIES BY MUNICIPALITIES

Interpretation	26. In this Part,
	<ul style="list-style-type: none"> (a) "designated property" means property in respect of which a by-law under this Part is in effect designating such property; (b) "property" means real property and includes all buildings and structures thereon.
Register	27.—(1) A Register of all properties designated under this Part within a municipality shall be kept by the clerk of the municipality in which the property is situate and shall contain, <ul style="list-style-type: none"> (a) a legal description of the designated property; (b) the name and address of the owner; and (c) a short statement of the reason for designation of the property.

(2) The clerk of a municipality shall issue extracts from ^{Extracts} the Register referred to in subsection 1 to any person on payment of the fee prescribed by the regulations.

28. The council of a municipality may, by by-law, establish <sup>Local
Architectural
Conservation
Advisory
Committee</sup> a local advisory committee to be known as the Local Architectural Conservation Advisory Committee composed of not fewer than five members appointed by the council to advise and assist the council on all matters relating to this Part and Part V.

29.—(1) Subject to subsection 2, where the council of a <sup>Proposed
designation</sup> municipality intends to designate a property within the municipality to be of historic or architectural value or interest, it shall cause notice of intention to designate to be given by the clerk of the municipality in accordance with subsection 3.

(2) Where the council of a municipality has appointed a ^{Consultation} local advisory committee, the council shall, before giving notice of its intention to designate a property under subsection 1, consult with its local advisory committee.

(3) Notice of intention to designate under subsection 1 <sup>Notice of
intention</sup> shall be,

- (a) served on the owner of the property and on the Foundation; and
- (b) published in a newspaper having general circulation in the municipality.

(4) Notice of intention to designate under subsection 1 <sup>Contents
of
notice</sup> shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement of the reason for the proposed designation; and
- (c) a statement that notice of objection to the designation may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

(5) A person who objects to a proposed designation shall, ^{Objection} within thirty days after the date of first publication of the notice of intention in a newspaper having general circulation in the municipality, serve on the clerk of the municipality

a notice of objection setting out the reason for the objection and all relevant facts.

Where no notice of objection

(6) Where no notice of objection is served within the thirty-day period under subsection 5, the council shall,

(a) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3.

Referral to Review Board

(7) Where a notice of objection has been served under subsection 5, the council shall, upon expiration of the thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

Hearing

(8) Pursuant to a reference by the council under subsection 7, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the council, the owner, any person who has filed an objection under subsection 5 and such other persons as the Review Board may specify, are parties to the hearing.

Place of hearing

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality at least ten days prior to the date of such hearing.

Review Board may combine hearings

(10) The Review Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing.

Application of 1971, c. 47

(11) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 8.

(12) Within thirty days after the conclusion of a hearing ^{Report} under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

(13) Where the Review Board fails to make a report within ^{Failure to report} the time limited by subsection 12, such failure does not invalidate the procedure.

(14) After considering the report under subsection 12, the ^{Decision of council} council without a further hearing shall,

(a) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

 (ii) to be served on the owner and the Foundation, 

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3,

and its decision is final.

30. Where a notice of intention to pass a by-law designating a property is served and published under subsection 3 of section 29 and has not been withdrawn under clause *b* of subsection 6 or clause *b* of subsection 14 of section 29, the provisions of sections 33 and 34 apply to the owner of such property as if it were designated property under this Part and any permit issued by a municipality prior to the service and publication of such notice of intention that allows the alteration or demolition of such property, where the alteration and demolition has not been completed, is void. ^{Permit to alter or demolish void}

31.—(1) Subject to subsection 2, where the council of a municipality intends to repeal a by-law or part thereof design-

nating property, it shall cause notice of intention to repeal the by-law or part thereof to be given by the clerk of the municipality in accordance with subsection 3.

Consultation

(2) Where the council of a municipality has appointed a local advisory committee, the council shall, before repealing a by-law or part thereof designating property, consult with its local advisory committee.

Notice of intention

(3) Notice of intention to repeal a by-law or part thereof under subsection 1 shall be,

- (a) served on the owner of the property and on the Foundation; and
- (b) published in a newspaper having general circulation in the municipality.

Contents of notice

(4) Notice of intention to repeal a by-law or part thereof under subsection 1 shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement of the reason for the proposed repealing by-law; and
- (c) a statement that notice of objection to the repealing by-law may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

Objection

(5) A person who objects to a proposed repealing by-law shall object to the repealing by-law in the manner set out in subsection 5 of section 29.

Application

(6) Subsections 6 to 14 of section 29 as they apply to an intention to designate a property shall apply *mutatis mutandis* to an intention to repeal a by-law or part thereof designating a property under this section.

Deletion from Register

(7) Where the council of a municipality passes a by-law repealing the designation of a property under this section, it shall cause the clerk of the municipality to delete any reference to the property from the Register referred to in subsection 1 of section 27.

32.—(1) An owner of property designated under this Application Part may apply to the council of the municipality in which the property is situate to repeal the by-law or part thereof designating the property.

(2) After consultation with its local advisory committee, ^{Decision of council} where one is established, the council shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

- (a) refuse the application and cause notice of its decision to be given to the owner and to the Foundation; or
- (b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,
 - (i) a copy of the repealing by-law to be served on the owner and the Foundation,
 - (ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,
 - (iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and
 - (iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

(3) The applicant and the council may agree to extend the ^{Extension of time} time under subsection 2 and, where the council fails to notify the applicant of its decision within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(4) Where the council refuses the application under sub- ^{Application for hearing} section 2, the owner may within thirty days after receipt of the notice under subsection 2 apply to the council for a hearing before the Review Board.

(5) The council shall, upon receipt of an application under ^{Referral to Review Board} subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality at least ten days prior to the date of the hearing.

- Hearing** (6) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.
- Place of hearing** (7) A hearing under subsection 6 shall be held at such place in the municipality as the Review Board may determine.
- Application of 1971, c. 47** (8) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 6.
- Report** (9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.
- Failure to report** (10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.
- Decision of council** (11) After considering a report under subsection 9, the council without a further hearing shall,
 - (a) refuse the application and cause notice of its decision to be given to the owner; or
 - (b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,
 - (i) a copy of the repealing by-law to be served on the owner and the Foundation,
 - (ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,
 - (iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and
 - (iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office,

and its decision is final.

(12) Where the council refuses an application under clause *a* of subsection 11, the owner of the property affected by the refusal may not reapply to have the designation revoked for twelve months from the service of the notice required under the said clause *a*, except with the consent of the council.

33.—(1) No owner of property designated under this Part shall alter the property or permit the alteration of the property where the alteration is likely to affect the reason for the designation as set out in subsection 6 or 14 of section 29, as the case may be, unless he applies to the council and receives consent in writing to make such alteration.

(2) An application under subsection 1 shall be accompanied by a detailed plan and shall set out such information as the council may require.

(3) The council, upon receipt of an application under subsection 1 together with such information as it may require under subsection 2, shall cause a notice of receipt to be served on the applicant.

(4) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days after the notice of receipt is served on the applicant under subsection 3 shall,

(*a*) consent to the application;

(*b*) consent to the application upon certain terms and conditions; or

(*c*) refuse the application,

and shall cause notice of its decision to be given to the owner and to the Foundation.

(5) The applicant and the council may agree to extend the time under subsection 4 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(6) Where the council consents to an application upon certain terms and conditions or refuses the application, the hearing

owner may, within thirty days after receipt of the notice under subsection 4, apply to the council for a hearing before the Review Board.

Referral
to Review
Board

(7) The council shall, upon receipt of a notice under subsection 6, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality, at least ten days prior to the date of such hearing.

Hearing

(8) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

Place for
hearing

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine.

Application
of
1971, c. 47

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 8.

Report

(11) Within thirty days after the conclusion of a hearing under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Failure
to report

(12) Where the Review Board fails to make a report within the time limited by subsection 11, the failure does not invalidate the procedure.

Decision
of
council

(13) After considering the report under subsection 11, the council without a further hearing shall confirm or revise its decision under subsection 4 with such modifications as the council considers proper and shall cause notice of its decision to be served on the owner and the Foundation and to the other parties to the hearing, and its decision is final.

Application
for
demolition

34.—(1) No owner of property designated under this Part shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property unless he applies to the council of the municipality in which the property is situate and receives consent in writing to such demolition or removal.

(2) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

- (a) consent to the application; or
- (b) refuse the application and prohibit any work to demolish or remove any building or structure on the property for a period of 180 days from the date of its decision,

and shall cause notice of its decision,

- (c) to be given to the owner and to the Foundation; and
- (d) to be published in a newspaper having general circulation in the municipality,

and its decision is final.

(3) The applicant and the council may agree to extend the time under subsection 2 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(4) Notwithstanding subsection 1, where the period of 180 days prohibiting any work to demolish or remove any building or structure on a property under clause *b* of subsection 2 has expired and the owner has not agreed to an extension of such period, or where the extension of time agreed upon by the owner and the council under subsection 3 has expired, the owner may proceed to demolish or remove the building or structure on the property subject to the provisions of any other Act or regulation thereunder.

(5) Where,

- (a) the council consents to an application under clause *a* of subsection 2, or is deemed to have consented to an application under subsection 3; or
- (b) the period of 180 days under clause *b* of subsection 2 has expired or where the extension of time agreed upon by the owner and the council under

subsection 3 has expired and the demolition or removal of the building or structure on the property has been completed,

the council shall pass a by-law repealing the by-law or part thereof designating the property and shall cause,

- (c) a copy of the repealing by-law to be served on the owner and on the Foundation;
- (d) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality;
- (e) reference to the property to be deleted from the Register referred to in subsection 1 of section 27; and
- (f) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

New
owner
to give
notice

35. Every person who becomes the owner of property designated under this Part shall give notice to the clerk of the municipality in which the property is situate of the change in ownership within thirty days of his becoming owner of the property.

Purchase or
lease
by-laws

36.—(1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Expro-
priating
by-law
R.S.O. 1970,
c. 154

(2) Subject to *The Expropriations Act*, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Delegation

(3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

37.—(1) Any easement or covenant entered into by a council of a municipality may be registered, against the real property affected where the property is designated under this Part, in the proper land registry office. ^{Easements}

(2) Where an easement or covenant is registered against ^{Idem} real property under subsection 1, such easement or covenant shall run with the real property and the council of the municipality may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property, and the council of the municipality may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant.

(3) Any easement or covenant entered into by the council ^{Assignment} of a municipality under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property and the assignee may enforce the easement or covenant as if it were the council of the municipality and it owned no other land which would be accommodated or benefitted by such easement or covenant.

38.—(1) For the purpose of carrying out this Part, any ^{Inspection} person authorized by the council of a municipality in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 3 of section 29.

(2) No person shall obstruct a person authorized to make ^{Obstruction of investigation} an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

39.—(1) The council of a municipality may pass by-laws ^{Grants and loans} providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed ^{Loan is lien or charge on land} under subsection 1, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made.

PART V

HERITAGE CONSERVATION DISTRICTS

Heritage
conservation
districts

40.—(1) The council of a municipality may by by-law define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district and the council may, after such examination is completed, prepare official plan provisions with respect to such designation.

Con-
sultation

(2) Where the council of a municipality has established a local advisory committee under section 28, such council shall, before passing a by-law to define the municipality or one or more areas as an area to be examined for future designation as a heritage conservation district under subsection 1, consult with its local advisory committee.

Designation
of heritage
conservation
district

41.—(1) Subject to subsection 2, where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

Part IV
not to be
designated

(2) No property designated by a council of a municipality under Part IV shall be designated as part of a heritage conservation district under this Part.

Approval
of Board
required

(3) A by-law passed under subsection 1 does not come into force without the approval of the Board.

Notice

(4) The council of the municipality shall, in such manner and to such persons as the Board may direct, cause notice of its application to be given to the Board for approval of a by-law under subsection 1.

Notice to
Foundation

(5) The council of a municipality shall, in addition to any notice required under subsection 4, cause notice to be given to the Foundation of its application to the Board for approval of a by-law under subsection 1.

Hearing

(6) The Board shall, before approving a by-law under subsection 1, hold a hearing open to the public for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

(7) The Board may approve a by-law under subsection 1^{Approval by Board} as to the whole or any part of the area defined therein and such approval does not become effective until the issue by the Board of its formal order thereof.

(8) Unless the council of the municipality applies to the^{Expiry} Board for approval of a by-law under subsection 1, within fourteen days from the date that it is passed by the council, such by-law shall be deemed to be repealed on the expiry of the fourteen days.

42. Where a by-law has been passed under section 41,^{Erection, demolition, alteration or removal prohibited} no person shall in the area defined in the by-law erect, alter, demolish or remove any building or structure, or alter the prohibited external portions thereof, without a permit therefor issued by the council of the municipality unless,

- (a) the by-law has been deemed to be repealed under subsection 8 of section 41;
- (b) the Board has issued an order refusing approval of the by-law; or
- (c) in the case of demolition or removal, 180 days have elapsed as provided for in subsection 2 of section 44.

43.—(1) An application for a permit referred to in^{Application} section 42 shall be made to the council of the municipality and shall contain or be accompanied by such information, drawings and other material as may reasonably be required by the council to fully consider the application.

(2) An application under subsection 1 shall be considered^{Decision of} by the council and the council, within ninety days of the^{council} receipt of the completed application or such longer period as is mutually agreed by the applicant and the council, shall,

- (a) issue the permit as requested; or
- (b) advise the applicant in writing that a permit is refused.

(3) Such terms and conditions as the council considers^{Terms and conditions} desirable may be attached to a permit issued under subsection 2.

44.—(1) Where an application under section 43 to the^{Erection or alteration} council of a municipality for a permit to erect a building or structure or to alter the external portions of any building or structure is refused or the council fails to make a decision

thereon within the period provided for in section 43 or the council attaches terms or conditions to a permit, the applicant may, within thirty days of receipt of a permit or advice in writing from the council under subsection 2 of section 43, appeal to the Board and the Board shall hear the appeal and,

- (a) dismiss the same; or
- (b) direct that the permit be issued with or without such terms and conditions as the Board by its order may direct.

**Demolition
or removal**

(2) Where an application under section 43 to the council of the municipality for a permit to demolish or remove a building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43, the applicant, upon expiration of a period of 180 days from the date of refusal by the council to issue a permit or from the expiration of the period provided for in section 43 may proceed to demolish or remove the building or structure subject to the provisions of any other Act or regulation thereunder.

Application

45. The provisions of sections 36, 37, 38 and 39 apply in respect of any building or structure and the land appurtenant thereto that is situate within the area that has been designated by by-law under this Part as a heritage conservation district.

Delegation

46. The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its powers under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

PART VI

CONSERVATION OF RESOURCES OF ARCHAEOLOGICAL VALUE

**Interpre-
tation**

47. In this Part,

- (a) "designated property" means property that is designated by the Minister under this Part;
- (b) "property" means real property, but does not include buildings or structures other than ruins, burial mounds, petroglyphs and earthworks.

48.—(1) Subject to subsection 2, no person shall carry out archaeological exploration, an archaeological survey or field work without a licence therefor issued by the Minister under this Part.

(2) A licence is not required for archaeological exploration, an archaeological survey or field work on property that is listed in the regulations.

(3) The Minister, before granting or renewing a licence, refusing to grant or renew a licence or suspending or revoking a licence, shall consult with the Foundation.

(4) A licence is effective only in the geographical area defined therein, expires on the date of expiry set out in the licence and may contain such particular terms and conditions to give effect to the purposes of this Part as the Minister may direct.

(5) A licence is not transferable.

Licence not transferable

(6) Subject to subsection 8, any person who applies in accordance with this Part and the regulations for a licence to carry out archaeological exploration or field work is entitled to be issued a licence by the Minister.

(7) Subject to subsection 8, a licensee who makes application in accordance with this Part and the regulations for renewal of his licence is entitled to a renewal of his licence by the Minister.

(8) Subject to section 49, the Minister may refuse to issue a licence if in his opinion,

(a) the applicant is not competent to conduct archaeological exploration or field work in a responsible manner in accordance with this Part and the regulations;

(b) the past conduct of the applicant affords reasonable grounds for belief that the archaeological exploration or field work will not be carried out in accordance with this Part and the regulations.

(9) Subject to section 49, the Minister may refuse to renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under subsection 8 if he were an applicant, or where the licensee is in breach of a term or condition of the licence.

Notice of
proposal
to refuse
or revoke

49.—(1) Where the Minister proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

Powers of
Minister
where no
hearing

(3) Where an applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

Referral to
Review
Board

(4) Where an applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing to determine whether the Minister should refuse to grant or renew a licence or should suspend or revoke a licence, as the case may be, and the Minister, the applicant or licensee and such other persons as the Review Board may specify are parties to the hearing.

Place of
hearing

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Application
of 1971.
c. 47

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Report

(8) The Review Board shall, within thirty days after the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact, its recommendations and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure
to report

(9) If the Review Board fails to make a report within the time limited by subsection 8, such failure does not invalidate the procedure.

(10) After considering the report under this section, the Minister without a further hearing shall carry out his proposal or refrain from carrying out his proposal or take such action as he considers proper in accordance with this Part and the regulations, and his decision is final.

(11) Notwithstanding subsection 1, the Minister may cancel a licence at the request in writing of the licensee in the prescribed form surrendering his licence.

50.—(1) The Minister may extend the time for requiring a hearing under section 49, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

(2) Where, before expiry of his registration, a licensee has applied for renewal of his registration, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

51. Notwithstanding sections 49 and 50, the Minister, by notice to a licensee and without a hearing, may provisionally refuse renewal of, suspend or revoke a licence where in the Minister's opinion it is necessary to do so for the immediate protection and preservation of a property or an object for the purposes of this Part or where the continuation of exploration or field work under the licence is in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 49 apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 49.

52.—(1) Where the Minister, after consultation with the Foundation, intends to designate a property to be of archaeological or historical significance, he shall cause notice

of intention to designate to be given by the Foundation in accordance with subsection 2.

Notice of intention

(2) Notice of intention to designate under subsection 1 shall be,

- (a) served on the owner of the property and on the clerk of the municipality in which the property is situate; and
- (b) published in a newspaper having general circulation in the municipality in which the property is situate.

Contents of notice

(3) Notice of intention to designate under subsection 1 shall contain,

- (a) an adequate description of the property so that it may be readily ascertained;
- (b) a statement of the reason for the proposed designation;
- (c) a statement of the period of time that the designation of the property is to remain in effect; and
- (d) a statement that notice of objection to the designation may be served on the Minister within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate.

Objection

(4) A person who objects to a proposed designation may, within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate, serve on the Minister a notice of objection setting out the reason for the objection and all relevant facts.

Where no notice of objection

(5) Where no notice of objection is served within the thirty-day period under subsection 4, the Minister shall,

- (a) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,
 - (i) to be registered against the property affected in the proper land registry office, and

- (ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

- (b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2.

(6) Where a notice of objection has been served under subsection 4, the Minister shall, upon expiration of the ^{Referred to Review Board} thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

(7) Pursuant to a reference by the Minister under subsection ^{Hearing} 6, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the Minister, the owner, any person who has filed an objection under subsection 4 and such other persons as the Review Board may specify, are parties to the hearing.

(8) A hearing under subsection 7 shall be held at such place ^{Place of hearing} in the municipality in which the property is situate as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

(9) The Review Board may combine two or more related hearings to conduct them in all respects and for all purposes ^{Review Board may combine hearings} as one hearing.

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 7. ^{Application of 1971, c. 47}

(11) Within thirty days after the conclusion of a hearing ^{Report} under subsection 7, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Act and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure
to report

(12) Where the Review Board fails to make a report within the time limited by subsection 11, such failure does not invalidate the procedure.

Decision of
Minister

(13) After considering the report under subsection 11, the Minister without a further hearing shall,

(a) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2,

and his decision is final.

Application
of s. 56

53. Where a notice of intention to designate a property has been served and published under subsection 2 of section 52 and has not been withdrawn under clause b of subsection 5 or clause b of subsection 13 of section 52, the provisions of section 56 apply as if such property were designated property.

Revocation
of order

54. The Minister may at any time, after consultation with the Foundation, order the designation of a property designated under this Part to be revoked and where the designation is revoked shall,

(a) cause a copy of the revoking order to be served on the owner and on the clerk of the municipality in which the property is situate;

- (b) cause notice of the revoking order to be published in a newspaper having general circulation in the municipality in which the property is situate;
- (c) cause reference to the property to be deleted from the Register referred to in section 23; and
- (d) cause a copy of the revoking order to be registered against the property affected in the proper land registry office.

55.—(1) An owner of property designated under this Part ^{Application} may apply to the Minister to have the designation revoked.

(2) The Minister after consultation with the Foundation ^{Decision of Minister} shall consider an application under subsection 1 and may consult with the council of the municipality in which the designated property is situate and within ninety days of receipt thereof shall,

- (a) refuse the application and cause notice of his decision to be given to the owner; or
- (b) consent to the application and order the designation of the property to be revoked, and shall cause,
 - (i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,
 - (ii) reference to the property to be deleted from the Register referred to in section 23,
 - (iii) notice of such revocation of the designation of the property to be published in a newspaper having general circulation in the municipality in which the property is situate, and
 - (iv) a copy of the order to be registered against the property affected in the proper land registry office.

(3) The applicant and the Minister may agree to extend ^{Extension of time} the time under subsection 2 and, where the Minister fails to notify the applicant of his decision within ninety days

of receipt of the application or within such extended time as may be agreed upon, the Minister shall be deemed to have consented to the application.

**Application
for hearing**

(4) Where the Minister refuses an application under subsection 2, the owner may, within thirty days after receipt of the notice under subsection 2, apply to the Minister for a hearing before the Review Board.

**Referral
to Review
Board**

(5) The Minister shall, upon receipt of a notice under subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality in which the designated property is situate at least ten days prior to the date of the hearing.

Hearing

(6) The Review Board shall, as soon as is practicable, hold a hearing open to the public to review the application and the Minister and the owner and such other persons as the Review Board may specify are parties to the hearing.

**Place of
hearing**

(7) A hearing under subsection 6 shall be held at such place in the municipality in which the property is situate as the Review Board may determine.

**Application
of 1971, c. 47**

(8) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 6.

Report

(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

**Failure
to report**

(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.

**Decision of
Minister**

(11) After considering the report under subsection 9, the Minister without a further hearing shall,

(a) refuse the application and cause notice of his decision to be given to the owner; or

(b) consent to the application and order the designation of the property revoked, and cause,

(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,

- (ii) reference to the property to be deleted from the Register referred to in section 23,
- (iii) notice of the revocation to be published in a newspaper having general circulation in the municipality in which the property is situate, and
- (iv) a copy of the order to be registered against the property affected in the proper land registry office,

and his decision is final.

56.—(1) No person shall excavate or alter property ^{Permit required} designated under this Part or remove any object therefrom unless he applies to the Minister and receives a permit therefor.

(2) An applicant is entitled to a permit or renewal of a ^{Issuance of permit} permit by the Minister to excavate or alter designated property and remove objects therefrom except where the Minister is of the opinion that such excavation, alteration or the taking or removal of objects would impair or interfere with the protection of the designated property.

(3) A permit is subject to such terms and conditions to ^{Terms and conditions of permit} give effect to the purposes of this Part, including terms of rehabilitation and security therefor as are consented to by the applicant, imposed by the Minister or prescribed by the regulations.

(4) A permit is not transferable.

^{Permit not transferable}

57. Subject to section 58, the Minister may refuse to ^{Revocation and refusal to renew} renew or may suspend or revoke a permit for any reason that would disentitle the permittee to a permit under section 55 if he were an applicant or where the permittee is in breach of a term or condition of the permit.

58.—(1) Where the Minister proposes to refuse to grant ^{Notice of proposal of} or renew a permit or proposes to suspend or revoke a permit, ^{Minister} he shall serve notice of his proposal together with written reasons therefor on the applicant or permittee.

(2) A notice under subsection 1 shall notify the applicant ^{Contents of notice} or permittee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing.

Minister
may carry
out
proposals

(3) Where the applicant or permittee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposals stated in his notice under subsection 1.

Referral
to Review
Board

(4) Where an applicant or permittee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing as to whether the permit to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or permittee and such other persons as the Review Board may specify shall be parties to the hearing.

Place of
hearing

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Application
of 1971, c. 47

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Report

(8) Within thirty days after the conclusion of a hearing under subsection 5, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to the issue, renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Decision of
Minister

(9) After considering a report made under this section, the Minister shall without a further hearing confirm or revise his decision under subsection 1 with such modifications as the Minister considers proper and shall give notice of his decision and the reasons therefor to the applicant or permittee and to the other parties to the hearing, and his decision is final.

Extension
of time

59.—(1) The Minister may extend the time for requiring a hearing under section 58, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or permittee pursuant to a hearing and that there are reasonable

grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Continuance pending renewal

(2) Where, before expiry of his registration, a permittee has applied for renewal of his registration, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

60. Notwithstanding sections 58 and 59, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of, or suspend the permittee's permit where the continuation of operations under the permit is, in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 58 apply as if the notice given under this section were a notice of a proposal to revoke the permit under subsection 1 of section 58.

61. The issue of a licence under section 48 or a permit under section 56 does not authorize the holder of such licence or permit to enter upon any property.

Licence or permit not authority to enter

62.—(1) Where the Minister after consultation with the Foundation is of the opinion that property is of archaeological or historical significance and is likely to be altered, damaged, or destroyed by reason of commercial, industrial, agricultural, residential or other development, the Minister may issue a stop order directed to the person responsible for such commercial, industrial, agricultural, residential or other development prohibiting any work on the property for a period of no longer than 180 days, and within that period the Minister or any person authorized by him in writing may examine the property and remove or salvage objects therefrom.

(2) Where a stop order is made by the Minister under subsection 1 and no agreement as to payment of compensation has been reached by the Minister and the person affected by the stop order, the person affected by the stop order shall be entitled to compensation for personal or business damages resulting from the stop order, and the provisions of *The Expropriations Act* with respect to the negotiation, payment

Compensation
R.S.O. 1970,
c. 154

and fixing of compensation apply *mutatis mutandis* as if the stop order imposed by this Part were an expropriation of rights.

Compensation where property designated

63. Where property is designated under section 52 and no agreement as to the payment of compensation has been reached by the Minister with the owner, the owner shall be entitled to compensation for personal or business damages for the period provided for in the order designating the property, and the provisions of *The Expropriations Act* with respect to the negotiation, payment and fixing of compensation apply *mutatis mutandis* as if the designation and the resulting restrictions imposed by this Act were an expropriation of rights.

Inspection

64.—(1) For the purpose of carrying out this Part, any person authorized by the Minister in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 2 of section 52.

Obstruction of investigator

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

Report of field work

65.—(1) Within a reasonable time after the close of each season's field work, every licensee shall furnish to the Minister a report containing full details of the work done, including details of any stratification or other chronological evidence encountered, and such other information as the Minister may require.

Report of archaeological sites

(2) When so required by the Minister, a person, organization or corporation shall prepare and file with the Minister particulars of all property of archaeological or historical significance in Ontario, known to such person, organization or corporation.

Objects may be held in trust

66.—(1) The Minister may direct that any object taken under the authority of a licence or a permit be deposited in such public institution as he may determine to be held in trust for the people of Ontario.

Idem

(2) Any object that is taken by a person who is not a licensee or by a licensee in contravention of his licence or this Part may be seized by a person authorized so to do by the Minister and deposited in such public institution as the Minister may determine to be held in trust for the people of Ontario.

PART VII

GENERAL

67.—(1) Any notice or order required to be given, delivered ^{Service} or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last known address.

(2) Where service is made by mail, the service shall be ^{Idem} deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

(3) Any notice required to be published in a newspaper ^{Publication} having general circulation in the municipality in which a property is situate shall be published in that newspaper once for each of three consecutive weeks.

68.—(1) Where, before the date this Act comes into force, ^{Designation under private Acts} a building or structure is designated by any private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and the provisions of Part IV shall apply.

(2) Where, before the date this Act comes into force, land ^{Land deemed to be property under Part VI, R.S.O. 1970, c. 26} was designated under *The Archaeological and Historic Sites Protection Act* as an archaeological or historic site, as the case may be, the land shall be deemed to be property designated under Part VI of this Act and the provisions of Part VI shall apply.

(3) Where there is a conflict between any provision of this ^{Conflict} Act or the regulations and any other Act or regulation, the provisions of this Act or the regulations shall prevail.

69.—(1) Subject to subsection 2, every person who, ^{Offences}

(a) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$50,000 and not as provided therein.

Consent of Minister (3) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

No offence (4) No person is liable under subsection 1 where the person has altered or permitted the alteration of property designated under this Act, where, after having notified the clerk of the municipality in which the property is situate, the alteration has been carried out for reasons of public health, safety or the preservation of the property.

Recovery of restoration costs (5) Except where,

(a) in the opinion of the council of a municipality, a property is in an unsafe condition or incapable of repair; or

(b) an alteration of a property has been carried out for reasons of public health, or the preservation of the property,

where a property designated under Part IV is altered without the consent of the council of the municipality in which the property is situate, the council of the municipality may, in addition to any other penalty imposed under this Act, where it is practicable, restore the property as close as possible to its previous condition and the council of the municipality may recover the cost of such restoration from the owner of the designated property.

Idem (6) For the purpose of subsection 5, the council of a municipality may authorize any person in writing to enter on the designated property to carry out restorations.

Regulations **70.** The Lieutenant Governor in Council may make regulations,

(a) governing applications for payment of grants or loans under this Act;

- (b) prescribing forms and providing for their use;
- (c) affixing fees or charges for services rendered under this Act;
- (d) governing applications for a licence or renewal of a licence and prescribing the terms and conditions thereof;
- (e) providing for the apportionment and distribution of moneys appropriated by the Legislature for,
 - (i) the establishment, maintenance, development and promotion of museums and historical institutions and providing for the condition covering the payment thereof,
 - (ii) any person, organization or corporation who, with the consent of the owner of the property, places markers, signs, cairns or other interpretive facilities for the interest and guidance of the public; and
- (f) listing properties for which no licence is required under Part VI for archaeological exploration, an archaeological survey or field work.

71. The following are repealed:

Repeals

1. *The Ontario Heritage Foundation Act*, being chapter 315 of the Revised Statutes of Ontario, 1970.
2. *The Archaeological and Historic Sites Protection Act*, being chapter 26 of the Revised Statutes of Ontario, 1970.
3. Section 8 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

72. This Act comes into force on a day to be named by ^{Commencement} proclamation of the Lieutenant Governor.

73. This Act may be cited as *The Ontario Heritage Act*, ^{Short title} 1974.

An Act to provide for the Conservation,
Protection and Preservation of the
Heritage of Ontario

1st Reading

December 12th, 1974

2nd Reading

December 16th, 1974

3rd Reading

THE HON. J. A. C. AUD
Minister of Colleges and Universities

(Reprinted as amended by the
Committee of the Whole House)

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BILL 176

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to provide for the Conservation, Protection and
Preservation of the Heritage of Ontario

THE HON. J. A. C. AULD
Minister of Colleges and Universities



TORONTO

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BILL 176**1974**

**An Act to provide for the
Conservation, Protection and Preservation
of the Heritage of Ontario**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "alter" means to change in any manner and includes to restore, renovate, repair or disturb and "alteration" has a corresponding meaning;
- (b) "Board" means the Ontario Municipal Board;
- (c) "donation" includes any gift, testamentary disposition, deed or trust or other form of contribution;
- (d) "Foundation" means the Ontario Heritage Foundation;
- (e) "inspect" includes to survey, photograph, measure and record;
- (f) "licence" means a licence issued under this Act;
- (g) "local advisory committee" means a local architectural conservation advisory committee;
- (h) "Minister" means the Minister of Culture and Recreation;
- (i) "municipality" means a city, town, village, township or improvement district and includes a band under the *Indian Act* (Canada) that is permitted to control, manage and expend its revenue moneys under section 68 of that Act; R.S.C. 1970,
c. I-6
- (j) "object" means an object of archaeological or historic significance;

- (k) "owner" means the person registered on title in the proper land registry office as owner;
- (l) "permit" means a permit issued under this Act;
- (m) "person" includes a municipality;
- (n) "regulations" means the regulations made under this Act;
- (o) "Review Board" means the Conservation Review Board.

PART I

HERITAGE CONSERVATION, PROTECTION AND PRESERVATION

**Administration
of Act**

2. The Minister is responsible for the administration of this Act, and he may determine policies, priorities and programs for the conservation, protection and preservation of the heritage of Ontario.

**Officers
and staff
R.S.O. 1970,
c. 386**

3. Such officers, clerks and servants may be appointed or transferred under *The Public Service Act* as are considered necessary from time to time for the administration of this Act.

PART II

ONTARIO HERITAGE FOUNDATION

**Interpre-
tation**

4. In this Part, "property" means real and personal property.

**Ontario
Heritage
Foundation
continued**

5.—(1) The Ontario Heritage Foundation is continued as a body corporate.

**Composition
of
Foundation**

(2) The Foundation shall consist of a board of directors of not fewer than twenty-one persons who shall be appointed by the Lieutenant Governor in Council.

**Board to
manage
affairs of
Foundation**

(3) The board of directors shall manage and conduct the affairs of the Foundation.

Chairman

(4) The Lieutenant Governor in Council shall designate one of the directors to be the chairman and one or more of them to be vice-chairman or vice-chairmen of the board of directors.

**Term of
office**

(5) A director may be appointed for a term not exceeding three years, but may be eligible for reappointment except

that a director shall not serve for more than two consecutive terms, but any such director shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

(6) A majority of the directors constitutes a quorum. Quorum

(7) Where a vacancy occurs for any reason in the office of director, the vacancy may be filled by appointment by the Lieutenant Governor in Council and a person so appointed shall hold office for the remainder of the term of his predecessor. Vacancy

6. *The Corporations Act* does not apply to the Foundation. R.S.O. 1970,
c. 89 not
to apply

7. The objects of the Foundation are, Objects
of
Foundation

(a) to advise and make recommendations to the Minister on any matter relating to the conservation, protection and preservation of the heritage of Ontario;

(b) to receive, acquire and hold property in trust for the people of Ontario;

(c) to support, encourage and facilitate the conservation, protection and preservation of the heritage of Ontario;

(d) to preserve, maintain, reconstruct, restore and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest;

(e) to conduct research, educational and communications programs necessary for heritage conservation, protection and preservation.

8. The directors of the Foundation may, subject to the By-laws approval of the Minister, make such by-laws as are necessary for,

(a) the administration of the Foundation;

(b) the establishment, appointment and condition of membership therein;

(c) the establishment of such honorary offices as they consider desirable, and the appointment of persons thereto; and

(d) any other matter necessary for carrying out the objects of the Foundation.

Powers
of
Foundation

9. The Foundation may advise and make recommendations to the Minister on any matter relating to property of historical, architectural, archaeological, recreational, aesthetic or scenic interest and to advise and assist the Minister in all matters to which this Act refers and in all matters as are assigned to it by or under any Act or regulation thereunder.

Further
powers
of
Foundation

10.—(1) The Foundation, in accordance with the policies and priorities determined by the Minister for the conservation, protection and preservation of the heritage of Ontario and with the approval of the Minister, may,

- (a) receive, acquire by purchase, donation, lease, public subscription, grant, bequest or otherwise, and hold, preserve, maintain, reconstruct, restore, and manage property of historical, architectural, archaeological, recreational, aesthetic and scenic interest for the use, enjoyment and benefit of the people of Ontario;
- (b) enter into agreements, covenants and easements with owners of real property, or interests therein, for the conservation, protection and preservation of the heritage of Ontario;
- (c) conduct and arrange exhibits or other cultural or recreational activities to inform and stimulate the interest of the public in historical, architectural and archaeological matters;
- (d) enter into agreements with prospective donors, subject to any conditions governing the use of property;
- (e) enter into agreements with persons respecting any matter within the objects of the Foundation, and to provide financial assistance by way of grant or loan to such persons pursuant to any such agreements with regard to educational, research and communications programs, the maintenance, restoration and renovation of property and the management, custody and security of property;
- (f) engage the services of experts and other persons;
- (g) subject to the terms of any trust in connection with such property, dispose of property by sale, lease or any other manner and execute such deeds or other instruments as may be required to effect such disposal;

- (h) borrow money for the purpose of carrying out the objects of the Foundation where a guarantee is provided under section 18;
 - (i) invest its funds, but only in such classes of securities as trustees are permitted to invest in under the laws of Ontario;
 - (j) undertake programs of research into and documentation of matters relating to the heritage of Ontario and cause information to be compiled and studies to be undertaken;
 - (k) with the consent of the owner of the property, place markers, signs, cairns or other interpretive facilities for the interest and guidance of the public;
 - (l) provide assistance, advisory services and training programs to individuals, institutions, agencies and organizations in Ontario having similar aims and objectives as the Foundation.
- (2) Notwithstanding subsection 1, where in his opinion it is necessary in order to ensure the carrying out of the intent and purpose of this Act, the Minister may exercise the powers of the Foundation under subsection 1.

11.—(1) The Foundation is, for all purposes of this Act, an agent of Her Majesty in right of Ontario, and its powers under this Act may be exercised only as an agent of Her Majesty in right of Ontario.

(2) Property acquired by the Foundation is the property of Her Majesty in right of Ontario and title thereto may be vested in the name of Her Majesty in right of Ontario or in the name of the Foundation.

12.—(1) The Foundation shall maintain a fund, herein-after called the “general fund”, which shall, subject to section 13, consist of moneys received by it from any source, including grants made under section 17.

(2) The Foundation may, subject to any conditions attached to moneys comprising the general fund, disburse, expend or otherwise deal with any of its general fund for the purposes of any of the objects of the Foundation and to defray any expenses in connection therewith.

13.—(1) The Foundation shall maintain a reserve fund, which shall consist of moneys received by the Foundation expressly for allocation thereto.

Income	(2) The income of the reserve fund, or any part thereof, may be paid into and form part of the general fund.
Capital expenditures	(3) The Foundation shall not expend any of the capital of its reserve fund, except for investment under clause <i>i</i> of subsection 1 of section 10, without the consent of the Lieutenant Governor in Council.
Remuneration	14. The members of the board of directors of the Foundation shall be paid such remuneration for their services as the Lieutenant Governor in Council determines and shall be paid proper travelling and other expenses incurred in the work of the Foundation.
Exemption from taxation	15. The Foundation, its real and personal property and business and income are exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of the Legislature, but this section does not apply to any property of the Foundation while leased under clause <i>g</i> of subsection 1 of section 10 to a person or organization not registered as a charitable organization under the <i>Income Tax Act</i> (Canada).
1970-71, c. 63 (Can.)	
Audit	16. The accounts and financial transactions of the Foundation shall be audited annually by the Provincial Auditor.
Grants	17. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants to the Foundation at such times, in such amounts and upon such terms and conditions as he considers advisable and may allocate any grants so made to the general fund or reserve fund.
Guarantee of loans	18. Upon the recommendation of the Minister, the Lieutenant Governor in Council may, upon such terms as he considers proper, agree to guarantee and may guarantee the payment of any loan to the Foundation, or any part thereof, together with interest thereon, borrowed for the purpose of carrying out the objects of the Foundation.
Form of guarantee	19. The form and manner of the guarantee shall be such as the Lieutenant Governor in Council approves, and the guarantee shall be signed by the Treasurer of Ontario or such other officer or officers as are designated by the Lieutenant Governor in Council, and, upon being so signed, Ontario is liable for the payment of the loan or part thereof and interest thereon guaranteed according to the terms of the guarantee.
Payment of guaranteee	20. The Lieutenant Governor in Council may make arrangements for supplying the money necessary to fulfil the require-

ments of any guarantee and to advance the amount necessary for that purpose out of the public funds of the Province of Ontario.

21.—(1) The Foundation shall make a report annually to the Minister upon the affairs of the Foundation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. ^{Annual report}

(2) The Foundation shall make such further reports to the Minister as the Minister from time to time may require. ^{Reports}

22.—(1) Any easement or covenant entered into by the Foundation may be registered against the real property affected in the proper land registry office. ^{Easements}

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the Foundation may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property and the Foundation may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant. ^{Idem}

(3) Any easement or covenant entered into by the Foundation under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property, and the assignee may enforce the easement or covenant as if it were the Foundation and it owned no other land which would be accommodated or benefitted by such easement or covenant. ^{Assignment}

23. The Foundation shall keep a Register in which particulars of all properties designated under Parts IV and VI shall be entered. ^{Register}

PART III

CONSERVATION REVIEW BOARD

24.—(1) A Review Board to be known as the “Conservation Review Board” is hereby established and shall consist of not fewer than three persons appointed by the Lieutenant Governor in Council. ^{Review Board}

(2) A member of the Review Board may be appointed for a term not exceeding three years, but may be eligible for reappointment except that a member shall not serve for more than two consecutive terms, but any such member ^{Term of office}

shall be again eligible for appointment after the expiration of one year following completion of two consecutive terms.

Chairman

(3) The Lieutenant Governor in Council shall appoint one of the members of the Review Board as chairman and another of the members as vice-chairman.

Quorum

(4) One member of the Review Board constitutes a quorum.

Remuneration and expenses

(5) The members of the Review Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council determines.

Professional assistance

(6) Subject to the approval of the Minister, the Review Board may engage persons to provide professional, technical or other assistance to the Review Board.

Hearings

(7) The Review Board shall hold such hearings and perform such other duties as are assigned to it by or under this or any other Act or regulation thereunder.

Expenditures

25. The moneys required for the purposes of the Review Board shall, until the 31st day of March, 1975, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature.

PART IV

CONSERVATION OF BUILDINGS OF HISTORIC OR ARCHITECTURAL VALUE

DESIGNATION OF PROPERTIES BY MUNICIPALITIES

Interpretation

26. In this Part,

(a) "designated property" means property in respect of which a by-law under this Part is in effect designating such property;

(b) "property" means real property and includes all buildings and structures thereon.

Register

27.—(1) A Register of all properties designated under this Part within a municipality shall be kept by the clerk of the municipality in which the property is situate and shall contain,

(a) a legal description of the designated property;

(b) the name and address of the owner; and

(c) a short statement of the reason for designation of the property.

(2) The clerk of a municipality shall issue extracts from ^{Extracts} the Register referred to in subsection 1 to any person on payment of the fee prescribed by the regulations.

28. The council of a municipality may, by by-law, establish a local advisory committee to be known as the Local Architectural Conservation Advisory Committee composed of not fewer than five members appointed by the council to advise and assist the council on all matters relating to this Part and Part V.

29.—(1) Subject to subsection 2, where the council of a municipality intends to designate a property within the municipality to be of historic or architectural value or interest, it shall cause notice of intention to designate to be given by the clerk of the municipality in accordance with subsection 3.

(2) Where the council of a municipality has appointed a local advisory committee, the council shall, before giving notice of its intention to designate a property under subsection 1, consult with its local advisory committee.

(3) Notice of intention to designate under subsection 1 shall be,

(a) served on the owner of the property and on the Foundation; and

(b) published in a newspaper having general circulation in the municipality.

(4) Notice of intention to designate under subsection 1 shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) a statement of the reason for the proposed designation; and

(c) a statement that notice of objection to the designation may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

(5) A person who objects to a proposed designation shall, within thirty days after the date of first publication of the notice of intention in a newspaper having general circulation in the municipality, serve on the clerk of the municipality

a notice of objection setting out the reason for the objection and all relevant facts.

Where no notice of objection

(6) Where no notice of objection is served within the thirty-day period under subsection 5, the council shall,

(a) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3.

Referral to Review Board

(7) Where a notice of objection has been served under subsection 5, the council shall, upon expiration of the thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report.

Hearing

(8) Pursuant to a reference by the council under subsection 7, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the council, the owner, any person who has filed an objection under subsection 5 and such other persons as the Review Board may specify, are parties to the hearing.

Place of hearing

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality at least ten days prior to the date of such hearing.

Review Board may combine hearings

(10) The Review Board may combine two or more related hearings and conduct them in all respects and for all purposes as one hearing.

Application of 1971, c. 47

(11) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 8.

(12) Within thirty days after the conclusion of a hearing ^{Report} under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Part and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

(13) Where the Review Board fails to make a report within ^{Failure to report} the time limited by subsection 12, such failure does not invalidate the procedure.

(14) After considering the report under subsection 12, the ^{Decision of council} council without a further hearing shall,

(a) pass a by-law designating the property and cause a copy of the by-law together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and the Foundation,

and publish a notice of such by-law in a newspaper having general circulation in the municipality; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 3,

and its decision is final.

30. Where a notice of intention to pass a by-law designating a property is served and published under subsection 3 of section 29 and has not been withdrawn under clause *b* of subsection 6 or clause *b* of subsection 14 of section 29, the provisions of sections 33 and 34 apply to the owner of such property as if it were designated property under this Part and any permit issued by a municipality prior to the service and publication of such notice of intention that allows the alteration or demolition of such property, where the alteration and demolition has not been completed, is void.

31.—(1) Subject to subsection 2, where the council of a municipality intends to repeal a by-law or part thereof design-

nating property, it shall cause notice of intention to repeal the by-law or part thereof to be given by the clerk of the municipality in accordance with subsection 3.

Consultation

(2) Where the council of a municipality has appointed a local advisory committee, the council shall, before repealing a by-law or part thereof designating property, consult with its local advisory committee.

Notice of intention

(3) Notice of intention to repeal a by-law or part thereof under subsection 1 shall be,

(a) served on the owner of the property and on the Foundation; and

(b) published in a newspaper having general circulation in the municipality.

Contents of notice

(4) Notice of intention to repeal a by-law or part thereof under subsection 1 shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) a statement of the reason for the proposed repealing by-law; and

(c) a statement that notice of objection to the repealing by-law may be served on the clerk within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality.

Objection

(5) A person who objects to a proposed repealing by-law shall object to the repealing by-law in the manner set out in subsection 5 of section 29.

Application

(6) Subsections 6 to 14 of section 29 as they apply to an intention to designate a property shall apply *mutatis mutandis* to an intention to repeal a by-law or part thereof designating a property under this section.

Deletion from Register

(7) Where the council of a municipality passes a by-law repealing the designation of a property under this section, it shall cause the clerk of the municipality to delete any reference to the property from the Register referred to in subsection 1 of section 27.

32.—(1) An owner of property designated under this Application Part may apply to the council of the municipality in which the property is situate to repeal the by-law or part thereof designating the property.

(2) After consultation with its local advisory committee, ^{Decision of council} where one is established, the council shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

- (a) refuse the application and cause notice of its decision to be given to the owner and to the Foundation; or
- (b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,
 - (i) a copy of the repealing by-law to be served on the owner and the Foundation,
 - (ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,
 - (iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and
 - (iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

(3) The applicant and the council may agree to extend the ^{Extension of time} time under subsection 2 and, where the council fails to notify the applicant of its decision within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(4) Where the council refuses the application under sub- ^{Application for hearing} section 2, the owner may within thirty days after receipt of the notice under subsection 2 apply to the council for a hearing before the Review Board.

(5) The council shall, upon receipt of an application under subsection 4, refer the matter to the Review Board for a ^{Referral to Review Board} hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality at least ten days prior to the date of the hearing.

Hearing

(6) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

Place of hearing

(7) A hearing under subsection 6 shall be held at such place in the municipality as the Review Board may determine.

Application of 1971, c. 47

(8) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 6.

Report

(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Failure to report

(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.

Decision of council

(11) After considering a report under subsection 9, the council without a further hearing shall,

- (a) refuse the application and cause notice of its decision to be given to the owner; or
- (b) consent to the application and pass a by-law repealing the by-law or part thereof designating the property and shall cause,
 - (i) a copy of the repealing by-law to be served on the owner and the Foundation,
 - (ii) reference to the property to be deleted from the Register referred to in subsection 1 of section 27,
 - (iii) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality, and
 - (iv) a copy of the repealing by-law to be registered against the property affected in the proper land registry office,

and its decision is final.

(12) Where the council refuses an application under clause *a* of subsection 11, the owner of the property affected by the refusal may not reapply to have the designation revoked for twelve months from the service of the notice required under the said clause *a*, except with the consent of the council.

33.—(1) No owner of property designated under this Part shall alter the property or permit the alteration of the property where the alteration is likely to affect the reason for the designation as set out in subsection 6 or 14 of section 29, as the case may be, unless he applies to the council and receives consent in writing to make such alteration.

(2) An application under subsection 1 shall be accompanied by a detailed plan and shall set out such information as the council may require.

(3) The council, upon receipt of an application under subsection 1 together with such information as it may require under subsection 2, shall cause a notice of receipt to be served on the applicant.

(4) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days after the notice of receipt is served on the applicant under subsection 3 shall,

(*a*) consent to the application;

(*b*) consent to the application upon certain terms and conditions; or

(*c*) refuse the application,

and shall cause notice of its decision to be given to the owner and to the Foundation.

(5) The applicant and the council may agree to extend the time under subsection 4 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(6) Where the council consents to an application upon certain terms and conditions or refuses the application, the hearing

owner may, within thirty days after receipt of the notice under subsection 4, apply to the council for a hearing before the Review Board.

**Referral
to Review
Board**

(7) The council shall, upon receipt of a notice under subsection 6, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality, at least ten days prior to the date of such hearing.

Hearing

(8) The Review Board shall as soon as is practicable hold a hearing open to the public to review the application, and the council and the owner and such other persons as the Review Board may specify are parties to the hearing.

**Place for
hearing**

(9) A hearing under subsection 8 shall be held at such place in the municipality as the Review Board may determine.

**Application
of
1971, c. 47**

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 8.

Report

(11) Within thirty days after the conclusion of a hearing under subsection 8, the Review Board shall make a report to the council setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

**Failure
to report**

(12) Where the Review Board fails to make a report within the time limited by subsection 11, the failure does not invalidate the procedure.

**Decision
of
council**

(13) After considering the report under subsection 11, the council without a further hearing shall confirm or revise its decision under subsection 4 with such modifications as the council considers proper and shall cause notice of its decision to be served on the owner and the Foundation and to the other parties to the hearing, and its decision is final.

**Application
for
demolition**

34.—(1) No owner of property designated under this Part shall demolish or remove any building or structure on such property or permit the demolition or removal of any building or structure on such property unless he applies to the council of the municipality in which the property is situate and receives consent in writing to such demolition or removal.

(2) The council, after consultation with its local advisory committee, where one is established, shall consider an application under subsection 1 and within ninety days of receipt thereof shall,

- (a) consent to the application; or
- (b) refuse the application and prohibit any work to demolish or remove any building or structure on the property for a period of 180 days from the date of its decision,

and shall cause notice of its decision,

- (c) to be given to the owner and to the Foundation; and
- (d) to be published in a newspaper having general circulation in the municipality,

and its decision is final.

(3) The applicant and the council may agree to extend the time under subsection 2 and, where the council fails to notify the applicant of its decision within ninety days after the notice of receipt is served on the applicant or within such extended time as may be agreed upon, the council shall be deemed to have consented to the application.

(4) Notwithstanding subsection 1, where the period of 180 days prohibiting any work to demolish or remove any building or structure on a property under clause b of subsection 2 has expired and the owner has not agreed to an extension of such period, or where the extension of time agreed upon by the owner and the council under subsection 3 has expired, the owner may proceed to demolish or remove the building or structure on the property subject to the provisions of any other Act or regulation thereunder.

(5) Where,

- (a) the council consents to an application under clause a of subsection 2, or is deemed to have consented to an application under subsection 3; or
- (b) the period of 180 days under clause b of subsection 2 has expired or where the extension of time agreed upon by the owner and the council under

subsection 3 has expired and the demolition or removal of the building or structure on the property has been completed,

the council shall pass a by-law repealing the by-law or part thereof designating the property and shall cause,

- (c) a copy of the repealing by-law to be served on the owner and on the Foundation;
- (d) notice of the repealing by-law to be published in a newspaper having general circulation in the municipality;
- (e) reference to the property to be deleted from the Register referred to in subsection 1 of section 27; and
- (f) a copy of the repealing by-law to be registered against the property affected in the proper land registry office.

New
owner
to give
notice

35. Every person who becomes the owner of property designated under this Part shall give notice to the clerk of the municipality in which the property is situate of the change in ownership within thirty days of his becoming owner of the property.

Purchase or
lease
by-laws

36.—(1) The council of a municipality may pass by-laws providing for acquiring, by purchase, lease or otherwise, any property or part thereof designated under this Part, including any interest therein, for the use or purposes of this Part and for disposing of such property, or any interest therein, by sale, lease or otherwise, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Expro-
priating
by-law
R.S.O. 1970,
c. 154

(2) Subject to *The Expropriations Act*, the council of every municipality may pass by-laws providing for the expropriation of any property designated under this Part and required for the purposes of this Part and may sell, lease or otherwise dispose of the property, when no longer so required, upon such terms and conditions as the council considers necessary for the purposes of this Part.

Delegation

(3) The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its power under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

37.—(1) Any easement or covenant entered into by a council of a municipality may be registered, against the real property affected where the property is designated under this Part, in the proper land registry office.

(2) Where an easement or covenant is registered against real property under subsection 1, such easement or covenant shall run with the real property and the council of the municipality may enforce such easement or covenant, whether positive or negative in nature, against the owner or any subsequent owners of the real property, and the council of the municipality may enforce such easement or covenant even where it owns no other land which would be accommodated or benefitted by such easement or covenant.

(3) Any easement or covenant entered into by the council of a municipality under subsection 1 may be assigned to any person and such easement or covenant shall continue to run with the real property and the assignee may enforce the easement or covenant as if it were the council of the municipality and it owned no other land which would be accommodated or benefitted by such easement or covenant.

38.—(1) For the purpose of carrying out this Part, any person authorized by the council of a municipality in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 3 of section 29.

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

39.—(1) The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.

(2) The amount of any loan made under a by-law passed under subsection 1, together with interest at a rate to be determined by the council, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, not exceeding five years, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan was made.

PART V

HERITAGE CONSERVATION DISTRICTS

Heritage
conservation
districts

40.—(1) The council of a municipality may by by-law define the municipality or one or more areas thereof as an area to be examined for future designation as a heritage conservation district and the council may, after such examination is completed, prepare official plan provisions with respect to such designation.

Con-
sultation

(2) Where the council of a municipality has established a local advisory committee under section 28, such council shall, before passing a by-law to define the municipality or one or more areas as an area to be examined for future designation as a heritage conservation district under subsection 1, consult with its local advisory committee.

Designation
of heritage
conservation
district

41.—(1) Subject to subsection 2, where there is in effect in a municipality an official plan that contains provisions relating to the establishment of heritage conservation districts, the council of the municipality may by by-law designate the municipality or any defined area or areas thereof as a heritage conservation district.

Part IV
not to be
designated

(2) No property designated by a council of a municipality under Part IV shall be designated as part of a heritage conservation district under this Part.

Approval
of Board
required

(3) A by-law passed under subsection 1 does not come into force without the approval of the Board.

Notice

(4) The council of the municipality shall, in such manner and to such persons as the Board may direct, cause notice of its application to be given to the Board for approval of a by-law under subsection 1.

Notice to
Foundation

(5) The council of a municipality shall, in addition to any notice required under subsection 4, cause notice to be given to the Foundation of its application to the Board for approval of a by-law under subsection 1.

Hearing

(6) The Board shall, before approving a by-law under subsection 1, hold a hearing open to the public for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Board.

(7) The Board may approve a by-law under subsection 1 ^{Approval by Board} as to the whole or any part of the area defined therein and such approval does not become effective until the issue by the Board of its formal order thereof.

(8) Unless the council of the municipality applies to the ^{Expiry} Board for approval of a by-law under subsection 1, within fourteen days from the date that it is passed by the council, such by-law shall be deemed to be repealed on the expiry of the fourteen days.

42. Where a by-law has been passed under section 41, ^{Erection, demolition, alteration or removal prohibited} no person shall in the area defined in the by-law erect, alter or remove any building or structure, or alter the prohibited external portions thereof, without a permit therefor issued by the council of the municipality unless,

- (a) the by-law has been deemed to be repealed under subsection 8 of section 41;
- (b) the Board has issued an order refusing approval of the by-law; or
- (c) in the case of demolition or removal, 180 days have elapsed as provided for in subsection 2 of section 44.

43.—(1) An application for a permit referred to in ^{Application} section 42 shall be made to the council of the municipality and shall contain or be accompanied by such information, drawings and other material as may reasonably be required by the council to fully consider the application.

(2) An application under subsection 1 shall be considered ^{Decision of} by the council and the council, within ninety days of the ^{council} receipt of the completed application or such longer period as is mutually agreed by the applicant and the council, shall,

- (a) issue the permit as requested; or
- (b) advise the applicant in writing that a permit is refused.

(3) Such terms and conditions as the council considers ^{Terms and conditions} desirable may be attached to a permit issued under subsection 2.

44.—(1) Where an application under section 43 to the ^{Erection or alteration} council of a municipality for a permit to erect a building or structure or to alter the external portions of any building or structure is refused or the council fails to make a decision

thereon within the period provided for in section 43 or the council attaches terms or conditions to a permit, the applicant may, within thirty days of receipt of a permit or advice in writing from the council under subsection 2 of section 43, appeal to the Board and the Board shall hear the appeal and,

- (a) dismiss the same; or
- (b) direct that the permit be issued with or without such terms and conditions as the Board by its order may direct.

**Demolition
or removal**

(2) Where an application under section 43 to the council of the municipality for a permit to demolish or remove a building or structure is refused or the council fails to make a decision thereon within the period provided for in section 43, the applicant, upon expiration of a period of 180 days from the date of refusal by the council to issue a permit or from the expiration of the period provided for in section 43 may proceed to demolish or remove the building or structure subject to the provisions of any other Act or regulation thereunder.

Application

45. The provisions of sections 36, 37, 38 and 39 apply in respect of any building or structure and the land appurtenant thereto that is situate within the area that has been designated by by-law under this Part as a heritage conservation district.

Delegation

46. The council of a municipality that forms part of a county, a metropolitan, regional or district municipality may delegate its powers under this Part to the council of such county, metropolitan, regional or district municipality of which it forms part.

**Interpre-
tation**

47. In this Part,

- (a) “designated property” means property that is designated by the Minister under this Part;
- (b) “property” means real property, but does not include buildings or structures other than ruins, burial mounds, petroglyphs and earthworks.

48.—(1) Subject to subsection 2, no person shall carry out archaeological exploration, an archaeological survey or field work without a licence therefor issued by the Minister under this Part.

(2) A licence is not required for archaeological exploration, an archaeological survey or field work on property that is listed in the regulations.

(3) The Minister, before granting or renewing a licence, refusing to grant or renew a licence or suspending or revoking a licence, shall consult with the Foundation.

(4) A licence is effective only in the geographical area defined therein, expires on the date of expiry set out in the licence and may contain such particular terms and conditions to give effect to the purposes of this Part as the Minister may direct.

(5) A licence is not transferable.

Licence not transferable

(6) Subject to subsection 8, any person who applies in accordance with this Part and the regulations for a licence to carry out archaeological exploration or field work is entitled to be issued a licence by the Minister.

(7) Subject to subsection 8, a licensee who makes application in accordance with this Part and the regulations for renewal of his licence is entitled to a renewal of his licence by the Minister.

(8) Subject to section 49, the Minister may refuse to issue a licence if in his opinion,

(a) the applicant is not competent to conduct archaeological exploration or field work in a responsible manner in accordance with this Part and the regulations;

(b) the past conduct of the applicant affords reasonable grounds for belief that the archaeological exploration or field work will not be carried out in accordance with this Part and the regulations.

(9) Subject to section 49, the Minister may refuse to renew or may suspend or revoke a licence for any reason that would disentitle the licensee to a licence under subsection 8 if he were an applicant, or where the licensee is in breach of a term or condition of the licence.

Notice of proposal to refuse or revoke

49.—(1) Where the Minister proposes to refuse to grant or renew a licence or proposes to suspend or revoke a licence, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee.

Notice requiring hearing

(2) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

Powers of Minister where no hearing

(3) Where an applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposal stated in his notice under subsection 1.

Referral to Review Board

(4) Where an applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing to determine whether the Minister should refuse to grant or renew a licence or should suspend or revoke a licence, as the case may be, and the Minister, the applicant or licensee and such other persons as the Review Board may specify are parties to the hearing.

Place of hearing

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Application of 1971.
c. 47

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Report

(8) The Review Board shall, within thirty days after the conclusion of a hearing under this section, make a report to the Minister setting out its findings of fact, its recommendations and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing.

Failure to report

(9) If the Review Board fails to make a report within the time limited by subsection 8, such failure does not invalidate the procedure.

(10) After considering the report under this section, the Minister without a further hearing shall carry out his proposal or refrain from carrying out his proposal or take such action as he considers proper in accordance with this Part and the regulations, and his decision is final.

(11) Notwithstanding subsection 1, the Minister may cancel a licence at the request in writing of the licensee in the prescribed form surrendering his licence.

50.—(1) The Minister may extend the time for requiring a hearing under section 49, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and may give such directions as he considers proper consequent upon the extension.

(2) Where, before expiry of his registration, a licensee has applied for renewal of his registration, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

51. Notwithstanding sections 49 and 50, the Minister, by notice to a licensee and without a hearing, may provisionally refuse renewal of, suspend or revoke a licence where in the Minister's opinion it is necessary to do so for the immediate protection and preservation of a property or an object for the purposes of this Part or where the continuation of exploration or field work under the licence is in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 49 apply as if the notice given under this section were a notice of a proposal to revoke the registration under subsection 1 of section 49.

52.—(1) Where the Minister, after consultation with the Foundation, intends to designate a property to be of archaeological or historical significance, he shall cause notice

of intention to designate to be given by the Foundation in accordance with subsection 2.

Notice of intention

(2) Notice of intention to designate under subsection 1 shall be,

(a) served on the owner of the property and on the clerk of the municipality in which the property is situate; and

(b) published in a newspaper having general circulation in the municipality in which the property is situate.

Contents of notice

(3) Notice of intention to designate under subsection 1 shall contain,

(a) an adequate description of the property so that it may be readily ascertained;

(b) a statement of the reason for the proposed designation;

(c) a statement of the period of time that the designation of the property is to remain in effect; and

(d) a statement that notice of objection to the designation may be served on the Minister within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate.

Objection

(4) A person who objects to a proposed designation may, within thirty days of the date of the first publication of the notice of intention in a newspaper having general circulation in the municipality in which the property is situate, serve on the Minister a notice of objection setting out the reason for the objection and all relevant facts.

Where no notice of objection

(5) Where no notice of objection is served within the thirty-day period under subsection 4, the Minister shall,

(a) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office, and

- (ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

- (b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2.

(6) Where a notice of objection has been served under subsection 4, the Minister shall, upon expiration of the thirty-day period under subsection 4, refer the matter to the Review Board for a hearing and report. Referred to Review Board

(7) Pursuant to a reference by the Minister under subsection 6, the Review Board, as soon as is practicable, shall hold a hearing open to the public to determine whether the property in question should be designated, and the Minister, the owner, any person who has filed an objection under subsection 4 and such other persons as the Review Board may specify, are parties to the hearing. Hearing

(8) A hearing under subsection 7 shall be held at such place in the municipality in which the property is situate as the Review Board may determine, and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing. Place of hearing

(9) The Review Board may combine two or more related hearings to conduct them in all respects and for all purposes as one hearing. Review Board may combine hearings

(10) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 7. Application of 1971, c. 47

(11) Within thirty days after the conclusion of a hearing under subsection 7, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the property should be designated under this Act and any information or knowledge used by it in reaching its recommendations, and the Review Board shall send a copy of its report to the other parties to the hearing. Report

Failure
to report

(12) Where the Review Board fails to make a report within the time limited by subsection 11, such failure does not invalidate the procedure.

Decision of
Minister

(13) After considering the report under subsection 11, the Minister without a further hearing shall,

(a) make an order designating the property for the period provided for in the notice of intention referred to in subsection 3 and cause a copy of the order together with the reasons for the designation,

(i) to be registered against the property affected in the proper land registry office,

(ii) to be served on the owner and on the clerk of the municipality in which the property is situate,

and publish a notice of such order in a newspaper having general circulation in the municipality in which the property is situate; or

(b) withdraw the notice of intention to designate the property by serving and publishing notice of such withdrawal in the manner and to the persons as required for the notice of intention to designate under subsection 2,

and his decision is final.

Application
of s. 56

53. Where a notice of intention to designate a property has been served and published under subsection 2 of section 52 and has not been withdrawn under clause b of subsection 5 or clause b of subsection 13 of section 52, the provisions of section 56 apply as if such property were designated property.

Revocation
of order

54. The Minister may at any time, after consultation with the Foundation, order the designation of a property designated under this Part to be revoked and where the designation is revoked shall,

(a) cause a copy of the revoking order to be served on the owner and on the clerk of the municipality in which the property is situate;

- (b) cause notice of the revoking order to be published in a newspaper having general circulation in the municipality in which the property is situate;
- (c) cause reference to the property to be deleted from the Register referred to in section 23; and
- (d) cause a copy of the revoking order to be registered against the property affected in the proper land registry office.

55.—(1) An owner of property designated under this Part ^{Application} may apply to the Minister to have the designation revoked.

(2) The Minister after consultation with the Foundation ^{Decision of Minister} shall consider an application under subsection 1 and may consult with the council of the municipality in which the designated property is situate and within ninety days of receipt thereof shall,

- (a) refuse the application and cause notice of his decision to be given to the owner; or
- (b) consent to the application and order the designation of the property to be revoked, and shall cause,
 - (i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,
 - (ii) reference to the property to be deleted from the Register referred to in section 23,
 - (iii) notice of such revocation of the designation of the property to be published in a newspaper having general circulation in the municipality in which the property is situate, and
 - (iv) a copy of the order to be registered against the property affected in the proper land registry office.

(3) The applicant and the Minister may agree to extend ^{Extension of time} the time under subsection 2 and, where the Minister fails to notify the applicant of his decision within ninety days

of receipt of the application or within such extended time as may be agreed upon, the Minister shall be deemed to have consented to the application.

**Application
for hearing**

(4) Where the Minister refuses an application under subsection 2, the owner may, within thirty days after receipt of the notice under subsection 2, apply to the Minister for a hearing before the Review Board.

**Referral
to Review
Board**

(5) The Minister shall, upon receipt of a notice under subsection 4, refer the matter to the Review Board for a hearing and report, and shall publish a notice of the hearing in a newspaper having general circulation in the municipality in which the designated property is situate at least ten days prior to the date of the hearing.

Hearing

(6) The Review Board shall, as soon as is practicable, hold a hearing open to the public to review the application and the Minister and the owner and such other persons as the Review Board may specify are parties to the hearing.

**Place of
hearing**

(7) A hearing under subsection 6 shall be held at such place in the municipality in which the property is situate as the Review Board may determine.

**Application
of 1971, c. 47**

(8) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under subsection 6.

Report

(9) Within thirty days after the conclusion of a hearing under subsection 6, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to whether or not the application should be approved, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

**Failure
to report**

(10) Where the Review Board fails to make a report within the time limited by subsection 9, such failure does not invalidate the procedure.

**Decision of
Minister**

(11) After considering the report under subsection 9, the Minister without a further hearing shall,

(a) refuse the application and cause notice of his decision to be given to the owner; or

(b) consent to the application and order the designation of the property revoked, and cause,

(i) a copy of the order to be served on the owner and the clerk of the municipality in which the property is situate,

- (ii) reference to the property to be deleted from the Register referred to in section 23,
- (iii) notice of the revocation to be published in a newspaper having general circulation in the municipality in which the property is situate, and
- (iv) a copy of the order to be registered against the property affected in the proper land registry office,

and his decision is final.

56.—(1) No person shall excavate or alter property ^{Permit required} designated under this Part or remove any object therefrom unless he applies to the Minister and receives a permit therefor.

(2) An applicant is entitled to a permit or renewal of a ^{Issuance of permit} permit by the Minister to excavate or alter designated property and remove objects therefrom except where the Minister is of the opinion that such excavation, alteration or the taking or removal of objects would impair or interfere with the protection of the designated property.

(3) A permit is subject to such terms and conditions to ^{Terms and conditions of permit} give effect to the purposes of this Part, including terms of rehabilitation and security therefor as are consented to by the applicant, imposed by the Minister or prescribed by the regulations.

(4) A permit is not transferable.

^{Permit not transferable}

57. Subject to section 58, the Minister may refuse to ^{Revocation and refusal to renew} renew or may suspend or revoke a permit for any reason that would disentitle the permittee to a permit under section 55 if he were an applicant or where the permittee is in breach of a term or condition of the permit.

58.—(1) Where the Minister proposes to refuse to grant ^{Notice of proposal of} or renew a permit or proposes to suspend or revoke a permit, ^{Minister} he shall serve notice of his proposal together with written reasons therefor on the applicant or permittee.

(2) A notice under subsection 1 shall notify the applicant ^{Contents of notice} or permittee that he is entitled to a hearing by the Review Board if he mails or delivers to the Minister, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing.

Minister
may carry
out
proposals

(3) Where the applicant or permittee does not require a hearing by the Review Board in accordance with subsection 2, the Minister may carry out the proposals stated in his notice under subsection 1.

Referral
to Review
Board

(4) Where an applicant or permittee requires a hearing by the Review Board in accordance with subsection 2, the Minister shall refer the matter to the Review Board for a hearing and report.

Hearing

(5) Pursuant to a reference by the Minister under this section, the Review Board shall, as soon as is practicable, hold a hearing as to whether the permit to which the hearing relates should be issued or renewed or should be suspended or revoked, as the case may be, and the applicant or permittee and such other persons as the Review Board may specify shall be parties to the hearing.

Place of
hearing

(6) A hearing under subsection 5 shall be held at such place in the municipality in which the property is situate as the Review Board may determine and notice of such hearing shall be published in a newspaper having general circulation in the municipality in which the property is situate at least ten days prior to the date of such hearing.

Application
of 1971, c. 47

(7) Sections 6 to 16 and 21 to 23 of *The Statutory Powers Procedure Act, 1971* apply to a hearing under this section.

Report

(8) Within thirty days after the conclusion of a hearing under subsection 5, the Review Board shall make a report to the Minister setting out its findings of fact, its recommendations as to the issue, renewal, suspension or revocation of the permit to which the hearing relates, as the case may be, and any information or knowledge used by it in reaching its recommendations, and shall send a copy of its report to the other parties to the hearing.

Decision of
Minister

(9) After considering a report made under this section, the Minister shall without a further hearing confirm or revise his decision under subsection 1 with such modifications as the Minister considers proper and shall give notice of his decision and the reasons therefor to the applicant or permittee and to the other parties to the hearing, and his decision is final.

Extension
of time

59.—(1) The Minister may extend the time for requiring a hearing under section 58, either before or after expiration of the time fixed therein, where he is satisfied that there are *prima facie* grounds for granting relief to the applicant or permittee pursuant to a hearing and that there are reasonable

grounds for applying for the extension and may give such directions as he considers proper consequent upon the extension.

Continuance pending renewal

(2) Where, before expiry of his registration, a permittee has applied for renewal of his registration, his registration shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice under section 49 that the Minister proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired, or until the Minister after considering the report of the Review Board carries out the proposal stated in the notice under subsection 1 of section 49.

60. Notwithstanding sections 58 and 59, the Minister, by notice to a permittee and without a hearing, may provisionally refuse renewal of, or suspend the permittee's permit where the continuation of operations under the permit is, in the Minister's opinion an immediate threat to the public's interest and the Minister so states in such notice, giving his reasons therefor, and thereafter the provisions of section 58 apply as if the notice given under this section were a notice of a proposal to revoke the permit under subsection 1 of section 58.

61. The issue of a licence under section 48 or a permit under section 56 does not authorize the holder of such licence or permit to enter upon any property.

Licence or permit not authority to enter

62.—(1) Where the Minister after consultation with the Foundation is of the opinion that property is of archaeological or historical significance and is likely to be altered, damaged, or destroyed by reason of commercial, industrial, agricultural, residential or other development, the Minister may issue a stop order directed to the person responsible for such commercial, industrial, agricultural, residential or other development prohibiting any work on the property for a period of no longer than 180 days, and within that period the Minister or any person authorized by him in writing may examine the property and remove or salvage objects therefrom.

Stop order

(2) Where a stop order is made by the Minister under subsection 1 and no agreement as to payment of compensation has been reached by the Minister and the person affected by the stop order, the person affected by the stop order shall be entitled to compensation for personal or business damages resulting from the stop order, and the provisions of *The Expropriations Act* with respect to the negotiation, payment

Compensation
R.S.O. 1970,
c. 154

and fixing of compensation apply *mutatis mutandis* as if the stop order imposed by this Part were an expropriation of rights.

Compensation where property designated

63. Where property is designated under section 52 and no agreement as to the payment of compensation has been reached by the Minister with the owner, the owner shall be entitled to compensation for personal or business damages for the period provided for in the order designating the property, and the provisions of *The Expropriations Act* with respect to the negotiation, payment and fixing of compensation apply *mutatis mutandis* as if the designation and the resulting restrictions imposed by this Act were an expropriation of rights.

Inspection

64.—(1) For the purpose of carrying out this Part, any person authorized by the Minister in writing may, upon producing proper identification, inspect at any reasonable time property designated or property proposed to be designated under this Part where a notice of intention to designate has been served and published under subsection 2 of section 52.

Obstruction of investigator

(2) No person shall obstruct a person authorized to make an investigation under this section or conceal or destroy anything relevant to the subject-matter of the investigation.

Report of field work

65.—(1) Within a reasonable time after the close of each season's field work, every licensee shall furnish to the Minister a report containing full details of the work done, including details of any stratification or other chronological evidence encountered, and such other information as the Minister may require.

Report of archaeological sites

(2) When so required by the Minister, a person, organization or corporation shall prepare and file with the Minister particulars of all property of archaeological or historical significance in Ontario, known to such person, organization or corporation.

Objects may be held in trust

66.—(1) The Minister may direct that any object taken under the authority of a licence or a permit be deposited in such public institution as he may determine to be held in trust for the people of Ontario.

Idem

(2) Any object that is taken by a person who is not a licensee or by a licensee in contravention of his licence or this Part may be seized by a person authorized so to do by the Minister and deposited in such public institution as the Minister may determine to be held in trust for the people of Ontario.

PART VII

GENERAL

67.—(1) Any notice or order required to be given, delivered ^{Service} or served under this Act or the regulations is sufficiently given, delivered or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at his last known address.

(2) Where service is made by mail, the service shall be ^{Idem} deemed to be made on the seventh day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control, receive the notice or order until a later date.

(3) Any notice required to be published in a newspaper ^{Publication} having general circulation in the municipality in which a property is situate shall be published in that newspaper once for each of three consecutive weeks.

68.—(1) Where, before the date this Act comes into force, ^{Designation under private Acts} a building or structure is designated by any private Act as a building or structure of historic or architectural value or interest, the building or structure shall be deemed to be property designated under Part IV of this Act and the provisions of Part IV shall apply.

(2) Where, before the date this Act comes into force, land ^{Land deemed to be property under R.S.O. 1970, c. 26} was designated under *The Archaeological and Historic Sites Protection Act* as an archaeological or historic site, as the case may be, the land shall be deemed to be property designated under Part VI of this Act and the provisions of Part VI shall apply.

(3) Where there is a conflict between any provision of this ^{Conflict} Act or the regulations and any other Act or regulation, the provisions of this Act or the regulations shall prevail.

69.—(1) Subject to subsection 2, every person who, ^{Offences}

(a) knowingly, furnishes false information in any application under this Act or in any statement, report or return required to be furnished under this Act or the regulations;

(b) fails to comply with any order, direction or other requirement made under this Act; or

(c) contravenes any provision of this Act or the regulations,

and every director or officer of a corporation who knowingly concurs in such furnishing of false information, failure or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both.

Corporations (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$50,000 and not as provided therein.

Consent of Minister (3) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister.

No offence (4) No person is liable under subsection 1 where the person has altered or permitted the alteration of property designated under this Act, where, after having notified the clerk of the municipality in which the property is situate, the alteration has been carried out for reasons of public health, safety or the preservation of the property.

Recovery of restoration costs (5) Except where,

(a) in the opinion of the council of a municipality, a property is in an unsafe condition or incapable of repair; or

(b) an alteration of a property has been carried out for reasons of public health, or the preservation of the property,

where a property designated under Part IV is altered without the consent of the council of the municipality in which the property is situate, the council of the municipality may, in addition to any other penalty imposed under this Act, where it is practicable, restore the property as close as possible to its previous condition and the council of the municipality may recover the cost of such restoration from the owner of the designated property.

Idem (6) For the purpose of subsection 5, the council of a municipality may authorize any person in writing to enter on the designated property to carry out restorations.

Regulations **70.** The Lieutenant Governor in Council may make regulations,

(a) governing applications for payment of grants or loans under this Act;

- (b) prescribing forms and providing for their use;
- (c) affixing fees or charges for services rendered under this Act;
- (d) governing applications for a licence or renewal of a licence and prescribing the terms and conditions thereof;
- (e) providing for the apportionment and distribution of moneys appropriated by the Legislature for,
 - (i) the establishment, maintenance, development and promotion of museums and historical institutions and providing for the condition covering the payment thereof,
 - (ii) any person, organization or corporation who, with the consent of the owner of the property, places markers, signs, cairns or other interpretive facilities for the interest and guidance of the public; and
- (f) listing properties for which no licence is required under Part VI for archaeological exploration, an archaeological survey or field work.

71. The following are repealed:

Repeals

1. *The Ontario Heritage Foundation Act*, being chapter 315 of the Revised Statutes of Ontario, 1970.
2. *The Archaeological and Historic Sites Protection Act*, being chapter 26 of the Revised Statutes of Ontario, 1970.
3. Section 8 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

72. This Act comes into force on a day to be named by ^{Commencement} proclamation of the Lieutenant Governor.

73. This Act may be cited as *The Ontario Heritage Act*, ^{Short title} 1974.

An Act to provide for the Conservation,
Protection and Preservation of the
Heritage of Ontario

1st Reading

December 12th, 1974

2nd Reading

December 16th, 1974

3rd Reading

February 3rd, 1975

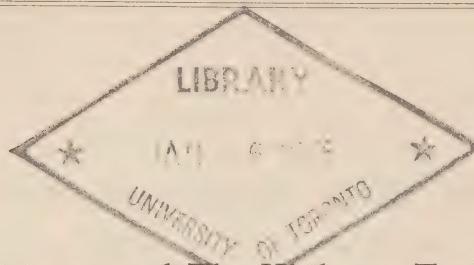
THE HON. J. A. C. AUD
Minister of Colleges and Universities

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BILL 177

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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974



An Act to amend The Highway Traffic Act

THE HON. J. R. RHODES
Minister of Transportation and Communications

TORONTO

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EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition of "median strip" is re-enacted to remove the reference to a strip of pavement of more than ten feet in width. The term is used in section 120 of the Act related to school buses.

Subsections 2, 3, 4 and 6. Subsection 1 of section 1 of the Act is amended to provide a definition of "motor assisted bicycle" and to exclude motor assisted bicycles from the definitions of "motorcycle" and "motor vehicle". The change to the definition of motor vehicle necessitates amending the definition of "vehicle" so that motor assisted bicycles will continue to be included in that definition.

BILL 177**1974**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 14 of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 14. “median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground.
- (2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1973, chapter 45, section 1 and 1973, chapter 167, section 1, is further amended by adding thereto the following paragraph:
 - 15c. “motor assisted bicycle” means a bicycle with an attached motor which has a piston displacement of not more than fifty cubic centimetres and which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.
- (3) Paragraph 16 of subsection 1 of the said section 1 is amended by striking out “a bicycle with a motor attached and” in the fourth and fifth lines and by adding at the end thereof “but does not include a motor assisted bicycle”.

s. 1 (1)
par. 16,
amended
- (4) Paragraph 17 of subsection 1 of the said section 1 is repealed and the following substituted therefor:
 17. “motor vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise

s. 1 (1)
par. 17,
re-enacted

than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, a motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

s. 1(1)
par. 33,
amended

- (5) Paragraph 33 of subsection 1 of the said section 1 is amended by striking out "approved by the Ministry" in the third line.

s. 1(1),
par. 35,
amended

- (6) Paragraph 35 of subsection 1 of the said section 1 is amended by inserting after "vehicle" in the first line "motor assisted bicycle".

s. 1(1),
amended

- (7) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

36. "wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability.

s. 13(6),
amended

- 2.** Subsection 6 of section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, is amended by adding thereto the following clauses:

(g) prescribing the qualifications of applicants for and holders of drivers' licences or any class or classes of drivers' licences and authorizing the Minister to waive such qualifications as are specified in the regulations under the circumstances prescribed therein;

(h) respecting documents required to be filed with the Ministry prior to the issuance of a driver's licence or any class or classes of drivers' licences or as a condition of retention thereof by the holder of a driver's licence.

ss. 15a, 15b,
enacted

- 3.** The said Act is amended by adding thereto the following sections:

Displaying
licence
which has
been
suspended,
altered, etc.

15a. No person shall,

(a) display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious or fraudulently obtained or altered driver's licence;

Subsection 5. "Through highway" is defined in the Act to mean, in part, a highway designated as such by a by-law of a municipality approved by the Ministry. The requirement of approval by the Ministry is being deleted.

Subsection 7. The definition is complementary to the amendments to sections 92, 96 and 128 (2) of the Act contained in this Bill.

SECTION 2. Subsection 6 of section 13 of the Act authorizes the Lieutenant Governor in Council to make regulations in respect of the issuance of driver's licences. The amendment extends these provisions.

SECTION 3. Sections 15a and 15b are added to the Act. Section 15a basically makes it an offence to display as one's own, a driver's licence other than one's properly issued valid and subsisting licence.

Section 15b prohibits every person whose licence has been suspended in Ontario from driving in Ontario under the authority of a licence issued in another jurisdiction.

SECTION 4. Self-explanatory.

SECTIONS 5 to 8. Sections 20, 21, 22 and 23 of the Act provide for periods of suspension varying from three months to two years upon conviction under the *Criminal Code* (Canada) of specified offences related to driving a motor vehicle.

The amendments change this to suspension for a period of three months upon a first conviction and six months upon a second conviction for any of the specified offences.

Section 25 of the Act provides for the issuance of a restricted licence for the last three or six months of a period of suspension, depending on the offence for which a person was convicted. This section is rendered inoperative by the above amendments.

- (b) lend his driver's licence to any other person or permit the use of it by another person;
- (c) display or represent as his own any driver's licence not issued to him;
- (d) fail or refuse to surrender to the Ministry upon its demand any driver's licence that has been suspended, revoked or cancelled; or
- (e) apply for, secure or retain in his possession more than one driver's licence.

15b. A person whose driver's licence or privilege to drive a motor vehicle in Ontario has been suspended shall not drive a motor vehicle in Ontario under a driver's licence or permit issued by any other jurisdiction during such suspension. Driving prohibited while licence suspended

4. The said Act is further amended by adding thereto the following section: s. 18a. enacted

18a. No person under the age of fourteen years shall drive a motor assisted bicycle on a highway. Motor assisted bicycle drivers under 14 prohibited

5.—(1) Sections 20 and 21 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 9 and 10, are repealed and the following substituted therefor: s. 20, re-enacted s. 21, repealed

20.—(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or of an offence under section 233, 234, 235 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act is thereupon and hereby suspended for a period of, Suspension on conviction for certain offences R.S.C. 1970, c. C-34

(a) upon the first conviction, three months; and

(b) upon a subsequent conviction, six months,

provided that, if an order is made under subsection 1 of section 238 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five Subsequent offence within five year period

years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause *b* of subsection 1.

Licences
now under
suspension

- (2) Where the driver's licence of a person was suspended upon conviction of any of the offences set out in subsection 1 of section 20 of *The Highway Traffic Act*, as re-enacted by subsection 1 of this section, and the suspension is in force on the day this section comes into force, the suspension shall terminate after the period of suspension set out in clause *a* or *b*, as the case may require, of subsection 1 of the said section 20.

s. 22,
repealed

- 6.** Section 22 of the said Act is repealed.

s. 23,
repealed

- 7.** Section 23 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 11, is repealed.

s. 25,
repealed

- 8.** Section 25 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 167, section 7, is repealed.

ss. 30a, 30b,
enacted

- 9.** The said Act is further amended by adding thereto the following sections:

Service

30a. Notice to a person of the suspension of his driver's licence is sufficiently given if delivered personally or sent by registered mail addressed to the person to whom the licence was issued at the latest current address of the person appearing on the records of the Ministry and where notice is given by registered mail it shall be deemed to have been given on the fifth day after the mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice.

Driving
while
driver's
licence
suspended

30b. Every person who drives a motor vehicle on a highway when his driver's licence is suspended by operation of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 and to the suspension of his driver's licence for a period of six months in addition to the period of suspension with respect to which he is convicted under this section.

s. 37(14),
amended

- 10.—(1)** Subsection 14 of section 37 of the said Act is amended by inserting after "every" in the fifth line "motor assisted bicycle".

s. 37(23),
amended

- (2)** Subsection 23 of the said section 37 is amended by inserting after "vehicle" in the first instance in the second line "motor assisted bicycle".

SECTION 9. New section 30a of the Act provides for the giving of notice of suspension of a driver's licence by personal service or by registered mail.

New section 30b of the Act states that it is an offence under the Act for a person to drive a motor vehicle on a highway while his driver's licence is under suspension. The section provides a penalty of a fine of not more than \$500 and a further six months suspension of the licence.

SECTION 10. Subsection 14 of section 37 of the Act is amended to provide that a motor assisted bicycle shall, while on a highway at night, carry the same lighting or reflective material that is required on bicycles and tricycles.

Subsection 23 of section 37 of the Act is amended to add motor assisted bicycles to a group consisting of motor vehicles, bicycles and tricycles which is exempt from certain lighting requirements while on a highway.

SECTION 11. Subsection 2 of section 39 of the Act is amended to include motor assisted bicycles with motorcycles as vehicles requiring two braking systems.

SECTION 12. Subsections 1 and 4 of section 49 of the Act require every motor vehicle to be equipped with a muffler in good working order and an alarm bell or horn. Since the definition of motor vehicle is being changed to exclude motor assisted bicycles, the reference to motor assisted bicycles is added to these subsections so that they continue to apply to motor assisted bicycles.

SECTION 13. Subsection 1 of section 55 of the Act authorizes a constable to require a motor vehicle to be submitted for an equipment examination. The subsection as re-enacted serves to have its provisions continue to apply to a motor assisted bicycle.

Subsection 3 of section 55 is the penalty subsection. The amendment serves to continue the subsection's application to motor assisted bicycles.

Subsection 4 of section 55 provides for notice to be given to the driver of a motor vehicle. As in subsections 1 and 3, the amendment serves to continue the subsection's application to motor assisted bicycles.

SECTION 14. Section 56 of the Act gives the Lieutenant Governor in Council power to make regulations in respect of inspections of motor vehicles. For the reason set out in section 12 of the Bill, the amendments serve to continue the section's application to motor assisted bicycles.

SECTION 15. The amendment will require the courts to notify the Director of Vehicle Inspection Standards of convictions related to the vehicle inspection provisions of sections 58 to 58m of the Act and the regulations thereunder.

11. Subsection 2 of section 39 of the said Act is amended by <sup>s. 39 (2),
amended</sup> inserting after "motorcycle" in the first line "or motor assisted bicycle".

12.—(1) Subsection 1 of section 49 of the said Act is amended by <sup>s. 49 (1),
amended</sup> inserting after "vehicle" in the first line and in the sixth line "or motor assisted bicycle".

(2) Subsection 4 of the said section 49 is amended by inserting <sup>s. 49 (4),
amended</sup> after "vehicle" in the first line "motor assisted bicycle".

13.—(1) Subsection 1 of section 55 of the said Act is repealed and <sup>s. 55 (1),
re-enacted</sup> the following substituted therefor:

(1) Every constable and every officer appointed for the <sup>Examination
of vehicle</sup> purpose of carrying out the provisions of this Act may require the driver of any motor vehicle or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient.

(2) Subsection 3 of the said section 55 is amended by insert- <sup>s. 55 (3),
amended</sup> after "vehicle" in the first line and in the second line "or motor assisted bicycle".

(3) Subsection 4 of the said section 55 is amended by insert- <sup>s. 55 (4),
amended</sup> after "vehicle" in the second line and in the fourth line "or motor assisted bicycle".

14.—(1) Clause *a* of section 56 of the said Act is amended by <sup>s. 56 (a),
amended</sup> inserting after "vehicles" in the second line and in the third line "or motor assisted bicycles".

(2) Clause *b* of the said section 56 is amended by adding at the <sup>s. 56 (b),
amended</sup> end thereof "and motor assisted bicycles".

(3) Clause *c* of the said section 56 is amended by inserting <sup>s. 56 (c),
amended</sup> after "vehicles" in the first and second lines "and motor assisted bicycles".

15. Section 58*l* of the said Act, as enacted by the Statutes of <sup>s. 58*l*,
amended</sup> Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following subsection:

(3) A provincial judge or justice of the peace who makes <sup>Report on
conviction</sup> a conviction for an offence under sections 58 to 58*m* or any ^{to Director} regulation made under section 58*m*, or the clerk of the court in which the conviction is made, shall forthwith certify the

conviction to the Director setting out the name, address and description of the person convicted and the provision of this Act contravened.

s. 66 (8),
amended

16. Subsection 8 of section 66 of the said Act is amended by striking out "but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister" in the sixth, seventh and eighth lines.

s. 68 (1),
amended

17. Subsection 1 of section 68 of the said Act is amended by inserting after "more" in the second line "while on a highway".

s. 70 (1),
amended

18.—(1) Subsection 1 of section 70 of the said Act is amended by inserting after "contents" in the first line "while on a highway".

s. 70 (3),
amended

(2) Subsection 3 of the said section 70, as amended by the Statutes of Ontario, 1973, chapter 45, section 24, is further amended by inserting after "contents" in the third line "while on a highway" and by inserting after "together" in the fourth line "while on a highway".

s. 70 (4),
amended

(3) Subsection 4 of the said section 70 is amended by inserting after "vehicles" in the third line "while on a highway".

s. 70 (7),
amended

(4) Subsection 7 of the said section 70, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 24, is amended by inserting after "contents" in the first line "while on a highway".

s. 70 (8),
amended

(5) Subsection 8 of the said section 70 is amended by inserting after "contents" in the first line "while on a highway".

s. 77 (8),
amended

19. Subsection 8 of section 77 of the said Act is amended by striking out "but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister" in the sixth, seventh and eighth lines.

s. 82,
amended

20.—(1) Section 82 of the said Act is amended by adding thereto the following subsection:

Interpre-
tation

(1a) In this section, "motor vehicle" includes "motor assisted bicycle".

s. 82 (8),
amended

(2) Subsection 8 of the said section 82 is amended by striking out "approved by the Ministry and" in the second line.

SECTIONS 16 and 19. Sections 66 and 77 of the Act deal with permitted weight loads and, in part, with loads that may be carried on the King's Highway during the months of March and April. Subsections 8 of section 66 and of section 77 permit a municipality to extend the time during which the provisions apply. The amendments obviate the need for municipalities to obtain approval of the Minister to any by-law extending the time.

SECTIONS 17 and 18. The amendments to sections 68 and 70 are designed to make clear that an offence is committed only while the vehicle is on a highway.

SECTION 20.—Subsection 1. A subsection is added to section 82 of the Act to redefine "motor vehicle" in order to give it the original meaning for purposes of section 82. Section 82 makes provisions in respect of rates of speed.

Subsection 2. There are provisions in section 82 for the rate of speed to be altered by municipalities. The amendment obviates the need for the Ministry to approve municipal by-laws altering speed limits.

SECTIONS 21 and 22. The amendments obviate the need for municipalities to obtain the approval of the Ministry for the erection of stop signs at intersections and the erection of yield right-of-way signs.

SECTIONS 23 and 24. The amendments to sections 92 and 96 of the Act extend the provisions relating to the use of pedestrian crossovers and crossing at intersections to persons in wheelchairs.

- 21.** Clause *a* of section 89 of the said Act is amended by striking <sup>s.89(a),
amended</sup> out “approved by the Ministry” in the second line.
- 22.** Subsection 2 of section 90 of the said Act is repealed and the <sup>s. 90 (2),
re-enacted</sup> following substituted therefor:
- (2) No yield right-of-way sign shall be erected except in <sup>Erection of
yield signs</sup> compliance with the regulations.
- 23.—(1)** Subsection 1 of section 92 of the said Act is amended by <sup>s. 92 (1),
amended</sup> inserting after “pedestrian” in the first line and in the tenth line “or a person in a wheelchair”.
- (2) Subsection 2 of the said section 92 is amended by insert- <sup>s. 92 (2),
amended</sup> ing after “pedestrian” in the fifth line “or a person in a wheelchair”.
- (3) Subsection 4 of the said section 92 is repealed and the <sup>s. 92 (4),
re-enacted</sup> following substituted therefor:
- (4) No pedestrian or person in a wheelchair shall leave <sup>Duty of
pedestrian
or person
in</sup> the curb or other place of safety at a pedestrian crossover <sup>or person
in</sup> and walk, run or move the wheelchair into the path of a ^{wheelchair} vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way.
- 24.—(1)** Subsection 10 of section 96 of the said Act is amended <sup>s. 96 (10),
amended</sup> by inserting after “pedestrians” in the fourth line “or any person in a wheelchair”.
- (2) Subsection 12 of the said section 96 is repealed and the <sup>s. 96 (12),
re-enacted</sup> following substituted therefor:
- (12) Subject to subsection 13, a pedestrian or a person in <sup>Pedestrain
rules re
green
signal</sup> a wheelchair approaching and facing a green light at an ^{green} intersection may proceed across the roadway, provided that, where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian or the person in the wheelchair shall proceed within the marked portion.
- (3) Subsection 13 of the said section 96 is amended by <sup>s. 96 (13),
amended</sup> inserting after “pedestrian” in the first line “or a person in a wheelchair”.
- (4) Subsection 14 of the said section 96 is amended by <sup>s. 96 (14),
amended</sup> inserting after “pedestrian” in the second line “or a person in a wheelchair”.

s. 96 (15),
re-enacted

Pedestrian
control
signals

(5) Subsection 15 of the said section 96 is repealed and the following substituted therefor:

(15) Notwithstanding subsection 12,

- (a) when a "walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right of way over all vehicles;
- (b) when a "wait" or "don't walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown;
- (c) a pedestrian or a person in a wheelchair proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has the right of way for that purpose over all vehicles.

s. 98 (5),
amended

25. Subsection 5 of section 98 of the said Act is amended by inserting after "bicycle" in the first line and in the fifth line "motor assisted bicycle".

s. 101,
amended

26. Section 101 of the said Act is amended by striking out "approved by the Ministry" in the fourth line.

s. 114,
amended

27. Section 114 of the said Act is amended by inserting after "vehicle" in the second line and in the fourth line "or motor assisted bicycle".

s. 120 (1),
re-enacted

28.—(1) Subsection 1 of section 120 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

(1) In this section, "school bus" means a motor vehicle designed for carrying eight or more passengers and used for the transportation of children to and from school that,

- (a) bears on the rear thereof the words "do not pass when signals flashing";
- (b) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof; and

SECTION 25. Subsection 5 of section 98 of the Act provides that a bicycle or tricycle on a highway shall turn to allow a faster vehicle to pass. The subsection is amended to place the same obligation on a motor assisted bicycle.

SECTION 26. Section 101 of the Act defines "designated" for purposes of referring to parts of highways designated for one-way and slow moving traffic. The amendment obviates the need for approval by the Ministry where the designation is by way of municipal by-law.

SECTION 27. Section 114 of the Act imposes an onus on the driver of a motor vehicle to exercise every reasonable precaution to prevent frightening a horse. The section is amended so that it shall continue to impose the same onus on a driver of a motor assisted bicycle.

SECTION 28. Section 120 of the Act relates to school buses. Subsection 1 of section 120 of the Act defines "school bus" for the purposes of this section only and the definition is re-enacted to:

1. Refer to a school bus as "a motor vehicle designed for carrying eight or more passengers and used for the transportation of persons".
2. Add the requirement in clause *c* that in order to be a school bus, a bus must be painted chrome yellow with black lettering and trim.

New subsections 1*a* and 1*b* of section 120 of the Act are self-explanatory.

Subsection 2 of section 120 of the Act sets out the circumstances in which a driver must stop his vehicle when meeting or overtaking a school bus. The subsection is amended to remove the provision that the subsection only applies where the maximum speed limit is greater than 35 miles per hour.

Subsection 3 of section 120 of the Act sets out the circumstances in which the driver of a school bus must actuate the signal-lights on the school bus. The subsection is re-enacted to remove the reference to the maximum speed limit on the highway and also to provide that the signal-lights shall not be actuated when a school bus is stopped at a place where a signal-light traffic control is in operation.

The repealed subsection 4 of section 120 of the Act provides that certain municipalities may provide by by-laws that subsections 2 and 3 do not apply to highways under their jurisdiction. The new subsection 4 of section 120 prohibits the driver of a school bus from actuating the red signal-lights on a highway except under the circumstances set out in subsection 3.

Clause *b* of subsection 6 of section 120 of the Act provides for the making of regulations by the Lieutenant Governor in Council in respect of colour and markings of school buses. The re-enacted clause substitutes the wider reference to all vehicles used for transporting school children to and from school and operated by a school board as "school buses".

SECTION 29. Subsection 1 of section 122 prohibits the towing on a roadway of a bicycle, sled, etc., with a person riding thereon. The amendment adds motor assisted bicycle to this group.

Subsection 2 of section 122 prohibits two persons riding on a bicycle designed for one. The amendment extends this same prohibition to riding on a motor assisted bicycle.

- (c) is painted chrome yellow with black lettering and trim,

as required by the regulations.

(1a) No bus, other than a school bus, shall be painted ~~Prohibition~~ chrome yellow.

(1b) No motor vehicle, other than a school bus, shall bear ^{Idem} the words "do not pass when signals flashing".

(2) Subsection 2 of the said section 120 is amended by <sup>s. 120 (2),
amended</sup> striking out "or part of a highway on which the maximum speed limit is greater than 35 miles per hour for the purpose of receiving or discharging school children" in the first, second, third and fourth lines.

(3) Subsections 3 and 4 of the said section 120 are repealed <sup>s. 120 (3, 4),
re-enacted</sup> and the following substituted therefor:

(3) The driver of a school bus on a highway, when he is <sup>Duty of
driver</sup> about to stop the school bus for the purpose of receiving or <sup>or of school
bus as to</sup> discharging school children, except at a stopping place ^{signal-lights} where a signal-light traffic control system is in operation, shall actuate the red signal-lights on the school bus and shall continue them in operation while stopped for such purpose and, in the case of a highway that does not have a median strip, until those children who of necessity must cross the highway have completed the crossing.

(4) The driver of a school bus on a highway shall not ^{Idem} actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection 3.

(4) Clause b of subsection 6 of the said section 120 is repealed <sup>s. 120 (6) (b),
re-enacted</sup> and the following substituted therefor:

(b) prescribing the type, design and colour of such vehicles or any class or type thereof and the markings to be displayed thereon.

29.—(1) Subsection 1 of section 122 of the said Act is amended <sup>s. 122 (1),
amended</sup> by inserting after "upon" in the first line "a motor assisted bicycle".

(2) Subsection 2 of the said section 122 is amended by <sup>s. 122 (2),
amended</sup> inserting after "on" in the first line "a motor assisted bicycle or".

s. 128 (1),
amended

30.—(1) Subsection 1 of section 128 of the said Act is amended by striking out “part of the King’s Highway” in the second and third lines and inserting in lieu thereof “highway or part thereof”.

s. 128 (2),
amended

(2) Subsection 2 of the said section 128 is amended by inserting after “bicycles” in the second line “wheelchairs”.

s. 135 (1),
re-enacted

31. Subsection 1 of section 135 of the said Act is repealed and the following substituted therefor:

Inconsist-
ent by-laws
may be
deemed
invalid

(1) If, in the opinion of the Minister, a provision of a municipal by-law passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for,

(a) regulating traffic on the highways;

(b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or

(c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

is inconsistent with this Act and the by-law would have required the approval of the Minister or of the Ministry prior to the coming into force of this subsection, the Minister may declare the provision of the by-law or any part thereof to be invalid by notice sent by registered mail to the clerk of the municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

Filing of
municipal
by-laws
with
Ministry

(1a) Subject to subsection 1b, a copy of every municipal by-law passed for any of the purposes mentioned in clause a or c of subsection 1 except by-laws regulating or prohibiting parking, stopping or standing shall be filed with the Ministry by the clerk of the municipality within thirty days of the passing thereof.

Approval of
traffic
by-laws of
connecting
links

(1b) All by-laws passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for the purposes mentioned in clause a or c of subsection 1 which affect traffic on highways designated as connecting links pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* shall not become operative until approved by the Ministry.

R.S.O. 1970,
c. 201s. 139 (1),
amended

32. Subsection 1 of section 139 of the said Act is amended by inserting after “vehicle” in the first line “or motor assisted bicycle”.

SECTION 30.—Subsection 1. The subsection provides for the making of regulations by the Lieutenant Governor in Council as to the use of any part of the King's Highway by pedestrians, animals or vehicles. The amendment substitutes the wider term "highway" for "King's Highway".

Subsection 2. The amendment provides to municipalities power to prohibit the use of wheelchairs on highways where the maximum speed limit is 50 miles per hour.

SECTION 31. Subsection 1 of section 135 of the Act as re-enacted provides that where, in the Minister's opinion, a municipal by-law dealing with traffic or the operation of a motor vehicle is inconsistent with the Act and the by-law prior to the amendment would have required approval of the Minister, then the Minister may declare the inconsistent portion of the by-law invalid.

Subsections 1a and 1b of section 135 of the Act are self-explanatory.

SECTION 32. Section 139 imposes a duty on a person in charge of a motor vehicle to report an accident in which he is involved. Subsection 1 of section 139 is amended so that it continues to apply to a person in charge of a motor assisted bicycle.

SECTION 33. Subsection 1 of section 147 of the Act provides that the owner of a vehicle shall incur certain penalties for contravention of the Act, certain regulations or certain municipal by-laws unless the vehicle was in possession of some other person without the owner's consent.

Subsection 2 of section 147 exempts the owner of a motor vehicle from the application of subsection 1 where the contravention is of certain sections of the Act or certain regulations or by-laws. The amendment continues this exemption in respect of owners of motor assisted bicycles.

SECTION 34. New section 150a of the Act requires a person whose driver's licence is suspended to return the licence to the Registrar unless the judge making the conviction takes the licence, and the judge is required by the section to take the licence and forward it to the Registrar.

New section 150b of the Act provides for the recovery and return to the Registrar of a suspended driver's licence by a police officer or constable either with or without the direction of the Registrar. The section also provides for a fine of not more than \$100 for failing or refusing to surrender to a police officer or constable when required a suspended driver's licence.

SECTION 35. New section 153a of the Act requires the clerk or Registrar of the court to give notice upon arraignment to a person accused of an offence for which a mandatory period of suspension is prescribed under section 20 (1) of the Act that his driver's licence will be suspended upon conviction.

The section also provides that the suspension of a driver's licence shall not be held to be invalid by reason of failure to give the notice.

33. Subsection 2 of section 147 of the said Act is amended by inserting after "vehicle" in the first line "or motor assisted bicycle".^{s. 147(2), amended}

34. The said Act is further amended by adding thereto the following sections:^{ss. 150a, 150b, enacted}

150a.—(1) In this section, "judge" means a judge, provincial judge or justice of the peace.^{Interpretation}

(2) Subject to subsection 3, a person whose driver's licence is suspended by a judge or by operation of this Act shall immediately forward the driver's licence to the Registrar.^{Return of suspended driver's licence to Registrar}

(3) Where a judge makes a conviction and the driver's licence of the person convicted is suspended by the judge or by operation of this Act, the judge shall take the driver's licence and forward it to the Registrar.^{Judge to secure possession}

150b.—(1) Where by or under the provisions of this Act a driver's licence is suspended and the person to whom the suspension applies refuses or fails to surrender his licence to the Registrar forthwith, any police officer or constable may take possession of the licence and return it to the Registrar and the Registrar may direct any police officer or constable to take possession of the licence and return it to the Registrar.^{Police officer, constable may secure possession}

(2) Every person who fails or refuses to surrender his driver's licence when required by a police officer or constable pursuant to subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.^{Penalty}

35. The said Act is further amended by adding thereto the following section:^{s. 153a, enacted}

153a.—(1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 1 of section 20, and before the court accepts the plea of such person, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect:^{Suspension of licence upon conviction}

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended forthwith for the period prescribed by statute".

(2) The suspension of a driver's licence by operation of this Act shall not be held to be invalid by reason of failure of^{Idem}

the clerk or registrar of the court to give the notice provided for in subsection 1.

s. 154(2),
re-enacted

36. Subsection 2 of section 154 of the said Act is repealed and the following substituted therefor:

Second
conviction

(2) Where there is a conviction under the section mentioned in clause *b* of subsection 1 and a previous conviction under a section mentioned in clause *a* of subsection 1, such first-mentioned conviction shall be deemed a second conviction.

Commencement

37.—(1) This Act, except sections 2, 5, 6, 7, 8 and 28, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 5, 6, 7 and 8 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Section 28 comes into force on the 1st day of April, 1975.

Short title

38. This Act may be cited as *The Highway Traffic Amendment Act, 1974* (No. 2).

SECTION 36. Subsection 2 of section 154 is re-enacted to remove the portion related to third convictions.

An Act to amend
The Highway Traffic Act

1st Reading

December 12th, 1974

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(*Government Bill*)

CA2ON

Legislative Assembly

Government
Publications

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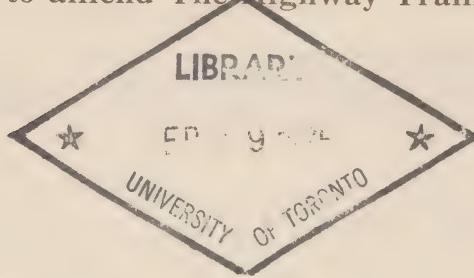
BILL 177

Government Bill

-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Highway Traffic Act



THE HON. J. R. RHODES
Minister of Transportation and Communications

(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTION 1.—Subsection 1. The definition of "median strip" is re-enacted to remove the reference to a strip of pavement of more than ten feet in width. The term is used in section 120 of the Act related to school buses.

Subsections 2, 3, 4 and 6. Subsection 1 of section 1 of the Act is amended to provide a definition of "motor assisted bicycle" and to exclude motor assisted bicycles from the definitions of "motorcycle" and "motor vehicle". The change to the definition of motor vehicle necessitates amending the definition of "vehicle" so that motor assisted bicycles will continue to be included in that definition.

BILL 177**1974**

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.**—(1) Paragraph 14 of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
14. “median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground.
- (2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1973, chapter 45, section 1 and 1973, chapter 167, section 1, is further amended by adding thereto the following paragraph:
- 15c. “motor assisted bicycle” means a bicycle with an attached motor which is driven by electricity or which has a piston displacement of not more than fifty cubic centimetres and which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.
- (3) Paragraph 16 of subsection 1 of the said section 1 is amended by striking out “a bicycle with a motor attached and” in the fourth and fifth lines and by adding at the end thereof “but does not include a motor assisted bicycle”.
- (4) Paragraph 17 of subsection 1 of the said section 1 is repealed and the following substituted therefor:
17. “motor vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise

than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, a motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

s. 1(1)
par. 33,
amended

- (5) Paragraph 33 of subsection 1 of the said section 1 is amended by striking out "approved by the Ministry" in the third line.

s. 1(1)
par. 35,
amended

- (6) Paragraph 35 of subsection 1 of the said section 1 is amended by inserting after "vehicle" in the first line "motor assisted bicycle".

s. 1(1),
amended

- (7) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

36. "wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability.

s. 9(1),
amended

-  2. Subsection 1 of section 9 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 4 and 1974, chapter 66, section 5, is further amended by adding "or" at the end of clause *c*, by striking out "or" at the end of clause *d* and by striking out clause *e*. 

s. 13(6),
amended

3. Subsection 6 of section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, is amended by adding thereto the following clauses:

(g) prescribing the qualifications of applicants for and holders of drivers' licences or any class or classes of drivers' licences and authorizing the Minister to waive such qualifications as are specified in the regulations under the circumstances prescribed therein;

(h) respecting documents required to be filed with the Ministry prior to the issuance of a driver's licence or any class or classes of drivers' licences or as a condition of retention thereof by the holder of a driver's licence.

ss. 15a, 15b,
enacted

4. The said Act is amended by adding thereto the following sections:

Displaying
licence
which has
been
suspended,
altered, etc.

15a. No person shall,

(a) display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended,

Subsection 5. "Through highway" is defined in the Act to mean, in part, a highway designated as such by a by-law of a municipality approved by the Ministry. The requirement of approval by the Ministry is being deleted.

Subsection 7. The definition is complementary to the amendments to sections 92, 96 and 128 (2) of the Act contained in this Bill.

SECTION 2. Clause *e* of subsection 1 of section 9 of the Act makes it an offence to fail to display a validation sticker on a motor vehicle or trailer where such a sticker has been issued. This provision is deleted. [REDACTED]

SECTION 3. Subsection 6 of section 13 of the Act authorizes the Lieutenant Governor in Council to make regulations in respect of the issuance of driver's licences. The amendment extends these provisions.

SECTION 4. Sections 15*a* and 15*b* are added to the Act. Section 15*a* basically makes it an offence to display as one's own, a driver's licence other than one's properly issued valid and subsisting licence.

Section 15b prohibits every person whose licence has been suspended in Ontario from driving in Ontario under the authority of a licence issued in another jurisdiction.

SECTION 5. Self-explanatory.

SECTIONS 6 to 9. Sections 20, 21, 22 and 23 of the Act provide for periods of suspension varying from three months to two years upon conviction under the *Criminal Code* (Canada) of specified offences related to driving a motor vehicle.

The amendments change this to suspension for a period of three months upon a first conviction and six months upon a second conviction for any of the specified offences.

Section 25 of the Act provides for the issuance of a restricted licence for the last three or six months of a period of suspension, depending on the offence for which a person was convicted. This section is rendered inoperative by the above amendments.

- fictitious or fraudulently obtained or altered driver's licence;
- (b) lend his driver's licence to any other person or permit the use of it by another person;
 - (c) display or represent as his own any driver's licence not issued to him;
 - (d) fail or refuse to surrender to the Ministry upon its demand any driver's licence that has been suspended, revoked or cancelled; or
 - (e) apply for, secure or retain in his possession more than one driver's licence.

15b. A person whose driver's licence or privilege to drive a motor vehicle in Ontario has been suspended shall not drive a motor vehicle in Ontario under a driver's licence or permit issued by any other jurisdiction during such suspension. Driving prohibited while licence suspended

5. The said Act is further amended by adding thereto the following section: s. 18a, enacted

18a. No person under the age of fourteen years shall drive a motor assisted bicycle on a highway. Motor assisted bicycle drivers under 14 prohibited

6.—(1) Sections 20 and 21 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 9 and 10, are repealed and the following substituted therefor: s. 20, re-enacted s. 21, repealed

20.—(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or of an offence under section 233, 234, 235 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act is thereupon and hereby suspended for a period of,

- (a) upon the first conviction, three months; and
- (b) upon a subsequent conviction, six months,

provided that, if an order is made under subsection 1 of section 238 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five

Subsequent offence within five year period

years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause *b* of subsection 1.

Licences
now under
suspension

(2) Where the driver's licence of a person was suspended upon conviction of any of the offences set out in subsection 1 of section 20 of *The Highway Traffic Act*, as re-enacted by subsection 1 of this section, and the suspension is in force on the day this section comes into force, the suspension shall terminate after the period of suspension set out in clause *a* or *b*, as the case may require, of subsection 1 of the said section 20.

s. 22,
repealed

7. Section 22 of the said Act is repealed.

s. 23,
repealed

8. Section 23 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 11, is repealed.

s. 25,
repealed

9. Section 25 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 167, section 7, is repealed.

ss. 30a, 30b,
enacted

10. The said Act is further amended by adding thereto the following sections:

Service

30a. Notice to a person of the suspension of his driver's licence is sufficiently given if delivered personally or sent by registered mail addressed to the person to whom the licence was issued at the latest current address of the person appearing on the records of the Ministry and where notice is given by registered mail it shall be deemed to have been given on the fifth day after the mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice.

Driving
while
driver's
licence
suspended

30b. Every person who drives a motor vehicle on a highway when his driver's licence is suspended by operation of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 and to the suspension of his driver's licence for a period of six months in addition to the period of suspension with respect to which he is convicted under this section.

s. 37(14),
amended

11.—(1) Subsection 14 of section 37 of the said Act is amended by inserting after "every" in the fifth line "motor assisted bicycle".

s. 37(23),
amended

(2) Subsection 23 of the said section 37 is amended by inserting after "vehicle" in the first instance in the second line "motor assisted bicycle".

SECTION 10. New section 30a of the Act provides for the giving of notice of suspension of a driver's licence by personal service or by registered mail.

New section 30b of the Act states that it is an offence under the Act for a person to drive a motor vehicle on a highway while his driver's licence is under suspension. The section provides a penalty of a fine of not more than \$500 and a further six months suspension of the licence.

SECTION 11. Subsection 14 of section 37 of the Act is amended to provide that a motor assisted bicycle shall, while on a highway at night, carry the same lighting or reflective material that is required on bicycles and tricycles.

Subsection 23 of section 37 of the Act is amended to add motor assisted bicycles to a group consisting of motor vehicles, bicycles and tricycles which is exempt from certain lighting requirements while on a highway.

SECTION 12. Subsection 2 of section 39 of the Act is amended to include motor assisted bicycles with motorcycles as vehicles requiring two braking systems.

SECTION 13. Subsections 1 and 4 of section 49 of the Act require every motor vehicle to be equipped with a muffler in good working order and an alarm bell or horn. Since the definition of motor vehicle is being changed to exclude motor assisted bicycles, the reference to motor assisted bicycles is added to these subsections so that they continue to apply to motor assisted bicycles.

SECTION 14. Subsection 1 of section 55 of the Act authorizes a constable to require a motor vehicle to be submitted for an equipment examination. The subsection as re-enacted serves to have its provisions continue to apply to a motor assisted bicycle.

Subsection 3 of section 55 is the penalty subsection. The amendment serves to continue the subsection's application to motor assisted bicycles.

Subsection 4 of section 55 provides for notice to be given to the driver of a motor vehicle. As in subsections 1 and 3, the amendment serves to continue the subsection's application to motor assisted bicycles.

SECTION 15. Section 56 of the Act gives the Lieutenant Governor in Council power to make regulations in respect of inspections of motor vehicles. For the reason set out in section 13 of the Bill, the amendments serve to continue the section's application to motor assisted bicycles.

SECTION 16. The amendment will require the courts to notify the Director of Vehicle Inspection Standards of convictions related to the vehicle inspection provisions of sections 58 to 58m of the Act and the regulations thereunder.

- 12.** Subsection 2 of section 39 of the said Act is amended by inserting after "motorcycle" in the first line "or motor assisted bicycle".
- 13.—(1)** Subsection 1 of section 49 of the said Act is amended by inserting after "vehicle" in the first line and in the sixth line "or motor assisted bicycle".
- (2)** Section 49 of the said Act is amended by adding thereto the following subsection:
- (1a) Subsection 1 does not apply to a motor assisted bicycle with an attached motor which is driven by electricity.
 - (3) Subsection 4 of the said section 49 is amended by inserting after "vehicle" in the first line "motor assisted bicycle".
- 14.—(1)** Subsection 1 of section 55 of the said Act is repealed and the following substituted therefor:
- (1) Every constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient.
 - (2) Subsection 3 of the said section 55 is amended by inserting after "vehicle" in the first line and in the second line "or motor assisted bicycle".
 - (3) Subsection 4 of the said section 55 is amended by inserting after "vehicle" in the second line and in the fourth line "or motor assisted bicycle".
- 15.—(1)** Clause *a* of section 56 of the said Act is amended by inserting after "vehicles" in the second line and in the third line "or motor assisted bicycles".
- (2) Clause *b* of the said section 56 is amended by adding at the end thereof "and motor assisted bicycles".
- (3) Clause *c* of the said section 56 is amended by inserting after "vehicles" in the first and second lines "and motor assisted bicycles".
- 16.** Section 58*l* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following subsection:
- (3) A provincial judge or justice of the peace who makes a conviction for an offence under sections 58 to 58*m* or any regulation made under section 58*m*, or the clerk of the court

in which the conviction is made, shall forthwith certify the conviction to the Director setting out the name, address and description of the person convicted and the provision of this Act contravened.

s. 66 (8),
amended

- 17.** Subsection 8 of section 66 of the said Act is amended by striking out “but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister” in the sixth, seventh and eighth lines.

s. 68 (1),
amended

- 18.** Subsection 1 of section 68 of the said Act is amended by inserting after “more” in the second line “while on a highway”.

s. 70 (1),
amended

- 19.—(1)** Subsection 1 of section 70 of the said Act is amended by inserting after “contents” in the first line “while on a highway”.

s. 70 (3),
amended

- (2) Subsection 3 of the said section 70, as amended by the Statutes of Ontario, 1973, chapter 45, section 24, is further amended by inserting after “contents” in the third line “while on a highway” and by inserting after “together” in the fourth line “while on a highway”.

s. 70 (4),
amended

- (3) Subsection 4 of the said section 70 is amended by inserting after “vehicles” in the third line “while on a highway”.

s. 70 (7),
amended

- (4) Subsection 7 of the said section 70, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 24, is amended by inserting after “contents” in the first line “while on a highway”.

s. 70 (8),
amended

- (5) Subsection 8 of the said section 70 is amended by inserting after “contents” in the first line “while on a highway”.

s. 77 (8),
amended

- 20.** Subsection 8 of section 77 of the said Act is amended by striking out “but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister” in the sixth, seventh and eighth lines.

s. 82,
amended

- 21.—(1)** Section 82 of the said Act is amended by adding thereto the following subsection:

Interpre-
tation

- (1a) In this section, “motor vehicle” includes “motor assisted bicycle”.

s. 82 (8),
amended

- (2) Subsection 8 of the said section 82 is amended by striking out “approved by the Ministry and” in the second line.

SECTIONS 17 and 20. Sections 66 and 77 of the Act deal with permitted weight loads and, in part, with loads that may be carried on the King's Highway during the months of March and April. Subsections 8 of section 66 and of section 77 permit a municipality to extend the time during which the provisions apply. The amendments obviate the need for municipalities to obtain approval of the Minister to any by-law extending the time.

SECTIONS 18 and 19. The amendments to sections 68 and 70 are designed to make clear that an offence is committed only while the vehicle is on a highway.

SECTION 21.—Subsection 1. A subsection is added to section 82 of the Act to redefine "motor vehicle" in order to give it the original meaning for purposes of section 82. Section 82 makes provisions in respect of rates of speed.

Subsection 2. There are provisions in section 82 for the rate of speed to be altered by municipalities. The amendment obviates the need for the Ministry to approve municipal by-laws altering speed limits.

SECTIONS 22 and 23. The amendments obviate the need for municipalities to obtain the approval of the Ministry for the erection of stop signs at intersections and the erection of yield right-of-way signs.

SECTIONS 24 and 25. The amendments to sections 92 and 96 of the Act extend the provisions relating to the use of pedestrian crossovers and crossing at intersections to persons in wheelchairs.

- 22.** Clause *a* of section 89 of the said Act is amended by striking <sup>s. 89(a),
amended</sup> out “approved by the Ministry” in the second line.
- 23.** Subsection 2 of section 90 of the said Act is repealed and the <sup>s. 90(2),
re-enacted</sup> following substituted therefor:
- (2) No yield right-of-way sign shall be erected except in <sup>Erection of
yield signs</sup> compliance with the regulations.
- 24.—(1)** Subsection 1 of section 92 of the said Act is amended by <sup>s. 92(1),
amended</sup> inserting after “pedestrian” in the first line and in the tenth line “or a person in a wheelchair”.
- (2) Subsection 2 of the said section 92 is amended by insert- <sup>s. 92(2),
amended</sup> ing after “pedestrian” in the fifth line “or a person in a wheelchair”.
- (3) Subsection 4 of the said section 92 is repealed and the <sup>s. 92(4),
re-enacted</sup> following substituted therefor:
- (4) No pedestrian or person in a wheelchair shall leave <sup>Duty of
pedestrian
or person
in</sup> the curb or other place of safety at a pedestrian crossover ⁱⁿ and walk, run or move the wheelchair into the path of a ^{wheelchair} vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way.
- 25.—(1)** Subsection 10 of section 96 of the said Act is amended <sup>s. 96(10),
amended</sup> by inserting after “pedestrians” in the fourth line “or any person in a wheelchair”.
- (2) Subsection 12 of the said section 96 is repealed and the <sup>s. 96(12),
re-enacted</sup> following substituted therefor:
- (12) Subject to subsection 13, a pedestrian or a person in <sup>Pedestrain
rules re
green
signal</sup> a wheelchair approaching and facing a green light at an intersection may proceed across the roadway, provided that, where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian or the person in the wheelchair shall proceed within the marked portion.
- (3) Subsection 13 of the said section 96 is amended by <sup>s. 96(13),
amended</sup> inserting after “pedestrian” in the first line “or a person in a wheelchair”.
- (4) Subsection 14 of the said section 96 is amended by <sup>s. 96(14),
amended</sup> inserting after “pedestrian” in the second line “or a person in a wheelchair”.

s. 96(15),
re-enacted

Pedestrian
control
signals

(5) Subsection 15 of the said section 96 is repealed and the following substituted therefor:

(15) Notwithstanding subsection 12,

- (a) when a "walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right of way over all vehicles;
- (b) when a "wait" or "don't walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown;
- (c) a pedestrian or a person in a wheelchair proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has the right of way for that purpose over all vehicles.

s. 98(5),
amended

26. Subsection 5 of section 98 of the said Act is amended by inserting after "bicycle" in the first line and in the fifth line "motor assisted bicycle".

s. 101,
amended

27. Section 101 of the said Act is amended by striking out "approved by the Ministry" in the fourth line.

s. 114,
amended

28. Section 114 of the said Act is amended by inserting after "vehicle" in the second line and in the fourth line "or motor assisted bicycle".

s. 120(1),
re-enacted

29.—(1) Subsection 1 of section 120 of the said Act is repealed and the following substituted therefor:

(i) In this section, "school bus" means a bus used for the transportation of children to and from school that,

- (a) bears on the rear thereof the words "do not pass when signals flashing";
- (b) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof; and

Interpre-
tation

SECTION 26. Subsection 5 of section 98 of the Act provides that a bicycle or tricycle on a highway shall turn to allow a faster vehicle to pass. The subsection is amended to place the same obligation on a motor assisted bicycle.

SECTION 27. Section 101 of the Act defines "designated" for purposes of referring to parts of highways designated for one-way and slow moving traffic. The amendment obviates the need for approval by the Ministry where the designation is by way of municipal by-law.

SECTION 28. Section 114 of the Act imposes an onus on the driver of a motor vehicle to exercise every reasonable precaution to prevent frightening a horse. The section is amended so that it shall continue to impose the same onus on a driver of a motor assisted bicycle.

SECTION 29. Section 120 of the Act relates to school buses. Subsection 1 of section 120 of the Act defines "school bus" for the purposes of this section only and the definition is re-enacted to:

1. Refer to a school bus as "a motor vehicle designed for carrying eight or more passengers and used for the transportation of persons".
2. Add the requirement in clause *c* that in order to be a school bus, a bus must be painted chrome yellow with black lettering and trim.

New subsections 1*a* and 1*b* of section 120 of the Act are self-explanatory.

Subsection 2 of section 120 of the Act sets out the circumstances in which a driver must stop his vehicle when meeting or overtaking a school bus. The subsection is amended to remove the provision that the subsection only applies where the maximum speed limit is greater than 35 miles per hour.

Subsection 3 of section 120 of the Act sets out the circumstances in which the driver of a school bus must actuate the signal-lights on the school bus. The subsection is re-enacted to remove the reference to the maximum speed limit on the highway and also to provide that the signal-lights shall not be actuated when a school bus is stopped at a place where a signal-light traffic control is in operation.

The repealed subsection 4 of section 120 of the Act provides that certain municipalities may provide by by-laws that subsections 2 and 3 do not apply to highways under their jurisdiction. The new subsection 4 of section 120 prohibits the driver of a school bus from actuating the red signal-lights on a highway except under the circumstances set out in subsection 3.

Clause *b* of subsection 6 of section 120 of the Act provides for the making of regulations by the Lieutenant Governor in Council in respect of colour and markings of school buses. The re-enacted clause substitutes the wider reference to all vehicles used for transporting school children to and from school and operated by a school board as "school buses".

SECTION 30. Subsection 1 of section 122 prohibits the towing on a roadway of a bicycle, sled, etc., with a person riding thereon. The amendment adds motor assisted bicycle to this group.

Subsection 2 of section 122 prohibits two persons riding on a bicycle designed for one. The amendment extends this same prohibition to riding on a motor assisted bicycle.

- (c) is painted chrome yellow with black lettering and trim,

as required by the regulations.

(1a) No bus, other than a school bus, shall be painted ^{Prohibition} chrome yellow.

(1b) No motor vehicle, other than a school bus, shall bear ^{Idem} the words "do not pass when signals flashing".

(2) Subsection 2 of the said section 120 is amended by <sup>s. 120 (2),
amended</sup> striking out "or part of a highway on which the maximum speed limit is greater than 35 miles per hour for the purpose of receiving or discharging school children" in the first, second, third and fourth lines.

(3) Subsections 3 and 4 of the said section 120 are repealed <sup>s. 120 (3, 4),
re-enacted</sup> and the following substituted therefor:

(3) The driver of a school bus on a highway, when he is <sup>Duty of
driver
of school
bus as to
signal-
lights</sup> about to stop the school bus for the purpose of receiving or discharging school children, except at a stopping place where a signal-light traffic control system is in operation, shall actuate the red signal-lights on the school bus and shall continue them in operation while stopped for such purpose and, in the case of a highway that does not have a median strip, until those children who of necessity must cross the highway have completed the crossing.

(4) The driver of a school bus on a highway shall not ^{Idem} actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection 3.

(4) Clause b of subsection 6 of the said section 120 is repealed <sup>s. 120 (6) (b),
re-enacted</sup> and the following substituted therefor:

(b) prescribing the type, design and colour of such vehicles or any class or type thereof and the markings to be displayed thereon.

30.—(1) Subsection 1 of section 122 of the said Act is amended <sup>s. 122 (1),
amended</sup> by inserting after "upon" in the first line "a motor assisted bicycle".

(2) Subsection 2 of the said section 122 is amended by <sup>s. 122 (2),
amended</sup> inserting after "on" in the first line "a motor assisted bicycle or".

s. 128(1),
amended

31.—(1) Subsection 1 of section 128 of the said Act is amended by striking out “part of the King’s Highway” in the second and third lines and inserting in lieu thereof “highway or part thereof”.

s. 128(2),
amended

(2) Subsection 2 of the said section 128 is amended by inserting after “bicycles” in the second line “wheelchairs”.

s. 135(1),
re-enacted

32. Subsection 1 of section 135 of the said Act is repealed and the following substituted therefor:

Inconsist-
ent by-laws
may be
deemed
invalid

(1) If a provision of a municipal by-law passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for,

- (a) regulating traffic on the highways;
- (b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or
- (c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

is inconsistent with this Act and the by-law would have required the approval of the Minister or of the Ministry prior to the coming into force of this subsection, the provision of the by-law shall be deemed to be repealed.

Filing of
municipal
by-laws
with
Ministry

(1a) Subject to subsection 1b, a copy of every municipal by-law passed for any of the purposes mentioned in clause *a* or *c* of subsection 1 except by-laws regulating or prohibiting parking, stopping or standing shall be filed with the Ministry by the clerk of the municipality within fifteen days of the passing thereof.

Approval of
traffic
by-laws of
connecting
links

(1b) All by-laws passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for the purposes mentioned in clause *a* or *c* of subsection 1 which affect traffic on highways designated as connecting links pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* shall not become operative until approved by the Ministry.

R.S.O. 1970,
c. 201s. 139(1),
amended

33. Subsection 1 of section 139 of the said Act is amended by inserting after “vehicle” in the first line “or motor assisted bicycle”.

SECTION 31.—Subsection 1. The subsection provides for the making of regulations by the Lieutenant Governor in Council as to the use of any part of the King's Highway by pedestrians, animals or vehicles. The amendment substitutes the wider term "highway" for "King's Highway".

Subsection 2. The amendment provides to municipalities power to prohibit the use of wheelchairs on highways where the maximum speed limit is 50 miles per hour.

SECTION 32. Subsection 1 of section 135 of the Act as re-enacted provides that where, in the Minister's opinion, a municipal by-law dealing with traffic or the operation of a motor vehicle is inconsistent with the Act and the by-law prior to the amendment would have required approval of the Minister, then the Minister may declare the inconsistent portion of the by-law invalid.

Subsections 1a and 1b of section 135 of the Act are self-explanatory.

SECTION 33. Section 139 imposes a duty on a person in charge of a motor vehicle to report an accident in which he is involved. Subsection 1 of section 139 is amended so that it continues to apply to a person in charge of a motor assisted bicycle.

SECTION 34. Subsection 1 of section 147 of the Act provides that the owner of a vehicle shall incur certain penalties for contravention of the Act, certain regulations or certain municipal by-laws unless the vehicle was in possession of some other person without the owner's consent.

Subsection 2 of section 147 exempts the owner of a motor vehicle from the application of subsection 1 where the contravention is of certain sections of the Act or certain regulations or by-laws. The amendment continues this exemption in respect of owners of motor assisted bicycles.

SECTION 35. New section 150a of the Act requires a person whose driver's licence is suspended to return the licence to the Registrar unless the judge making the conviction takes the licence, and the judge is required by the section to take the licence and forward it to the Registrar.

New section 150b of the Act provides for the recovery and return to the Registrar of a suspended driver's licence by a police officer or constable either with or without the direction of the Registrar. The section also provides for a fine of not more than \$100 for failing or refusing to surrender to a police officer or constable when required a suspended driver's licence.

SECTION 36. New section 153a of the Act requires the clerk or Registrar of the court to give notice upon arraignment to a person accused of an offence for which a mandatory period of suspension is prescribed under section 20 (1) of the Act that his driver's licence will be suspended upon conviction.

The section also provides that the suspension of a driver's licence shall not be held to be invalid by reason of failure to give the notice.

34. Subsection 2 of section 147 of the said Act is amended by inserting after "vehicle" in the first line "or motor assisted bicycle".^{s. 147(2), amended}

35. The said Act is further amended by adding thereto the following sections:^{ss. 150a, 150b, enacted}

150a.—(1) In this section, "judge" means a judge, provincial judge or justice of the peace.^{Interpretation}

(2) Subject to subsection 3, a person whose driver's licence is suspended by a judge or by operation of this Act shall immediately forward the driver's licence to the Registrar.^{Return of suspended driver's licence to Registrar}

(3) Where a judge makes a conviction and the driver's licence of the person convicted is suspended by the judge or by operation of this Act, the judge shall take the driver's licence and forward it to the Registrar.^{Judge to secure possession}

150b.—(1) Where by or under the provisions of this Act a driver's licence is suspended and the person to whom the suspension applies refuses or fails to surrender his licence to the Registrar forthwith, any police officer or constable may take possession of the licence and return it to the Registrar and the Registrar may direct any police officer or constable to take possession of the licence and return it to the Registrar.^{Police officer, constable may secure possession}

(2) Every person who fails or refuses to surrender his driver's licence when required by a police officer or constable pursuant to subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.^{Penalty}

36. The said Act is further amended by adding thereto the following section:^{s. 153a, enacted}

153a.—(1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 1 of section 20, and before the court accepts the plea of such person, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect:^{Suspension of licence upon conviction}

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended forthwith for the period prescribed by statute".

(2) The suspension of a driver's licence by operation of this Act shall not be held to be invalid by reason of failure of^{Idem}

the clerk or registrar of the court to give the notice provided for in subsection 1.

s. 154(2),
re-enacted

37. Subsection 2 of section 154 of the said Act is repealed and the following substituted therefor:

Second
conviction

(2) Where there is a conviction under the section mentioned in clause *b* of subsection 1 and a previous conviction under a section mentioned in clause *a* of subsection 1, such first-mentioned conviction shall be deemed a second conviction.

Commencement

38.—(1) This Act, except sections 3, 6, 7, 8, 9 and 29, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 6, 7, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Section 29 comes into force on the 1st day of April, 1975.

Short title

39. This Act may be cited as *The Highway Traffic Amendment Act, 1974 (No. 2)*.

SECTION 37. Subsection 2 of section 154 is re-enacted to remove the portion related to third convictions.

BILL 177

An Act to amend
The Highway Traffic Act

1st Reading

December 12th, 1974

2nd Reading

February 3rd, 1975

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(Reprinted as amended by the
Committee of the Whole House)

BILL 177

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

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An Act to amend The Highway Traffic Act

THE HON. J. R. RHODES
Minister of Transportation and Communications



2000

BILL 177**1974****An Act to amend The Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 14 of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 14. “median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground.
- (2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1973, chapter 45, section 1 and 1973, chapter 167, section 1, is further amended by adding thereto the following paragraph:
 - 15c. “motor assisted bicycle” means a bicycle with an attached motor which is driven by electricity or which has a piston displacement of not more than fifty cubic centimetres and which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.
- (3) Paragraph 16 of subsection 1 of the said section 1 is amended by striking out “a bicycle with a motor attached and” in the fourth and fifth lines and by adding at the end thereof “but does not include a motor assisted bicycle”.

s. 1 (1)
par. 16,
amended
- (4) Paragraph 17 of subsection 1 of the said section 1 is repealed and the following substituted therefor:
 17. “motor vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise

s. 1 (1)
par. 17,
re-enacted

than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, a motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

s. 1(1),
par. 33,
amended

- (5) Paragraph 33 of subsection 1 of the said section 1 is amended by striking out "approved by the Ministry" in the third line.

s. 1(1),
par. 35,
amended

- (6) Paragraph 35 of subsection 1 of the said section 1 is amended by inserting after "vehicle" in the first line "motor assisted bicycle".

s. 1(1),
amended

- (7) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

36. "wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability.

s. 9(1),
amended

- 2.** Subsection 1 of section 9 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 4 and 1974, chapter 66, section 5, is further amended by adding "or" at the end of clause *c*, by striking out "or" at the end of clause *d* and by striking out clause *e*.

s. 13(6),
amended

- 3.** Subsection 6 of section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, is amended by adding thereto the following clauses:

(g) prescribing the qualifications of applicants for and holders of drivers' licences or any class or classes of drivers' licences and authorizing the Minister to waive such qualifications as are specified in the regulations under the circumstances prescribed therein;

(h) respecting documents required to be filed with the Ministry prior to the issuance of a driver's licence or any class or classes of drivers' licences or as a condition of retention thereof by the holder of a driver's licence.

ss. 15a, 15b,
enacted

- 4.** The said Act is amended by adding thereto the following sections:

Displaying
licence
which has
been
suspended,
altered, etc.

15a. No person shall,

(a) display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended,

fictitious or fraudulently obtained or altered driver's licence;

- (b) lend his driver's licence to any other person or permit the use of it by another person;
- (c) display or represent as his own any driver's licence not issued to him;
- (d) fail or refuse to surrender to the Ministry upon its demand any driver's licence that has been suspended, revoked or cancelled; or
- (e) apply for, secure or retain in his possession more than one driver's licence.

15b. A person whose driver's licence or privilege to drive a motor vehicle in Ontario has been suspended shall not drive a motor vehicle in Ontario under a driver's licence or permit issued by any other jurisdiction during such suspension. Driving prohibited while licence suspended

5. The said Act is further amended by adding thereto the following section: s. 18a,
enacted

18a. No person under the age of fourteen years shall drive a motor assisted bicycle on a highway. Motor assisted bicycle drivers under 14 prohibited

6.—(1) Sections 20 and 21 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 9 and 10, are repealed and the following substituted therefor: s. 20,
re-enacted
s. 21,
repealed

20.—(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or of an offence under section 233, 234, 235 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act is thereupon and hereby suspended for a period of, Suspension on conviction for certain offences R.S.C. 1970, c. C-34

(a) upon the first conviction, three months; and

(b) upon a subsequent conviction, six months,

provided that, if an order is made under subsection 1 of section 238 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five Subsequent offence within five year period

years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause *b* of subsection 1.

Licences
now under
suspension

- (2) Where the driver's licence of a person was suspended upon conviction of any of the offences set out in subsection 1 of section 20 of *The Highway Traffic Act*, as re-enacted by subsection 1 of this section, and the suspension is in force on the day this section comes into force, the suspension shall terminate after the period of suspension set out in clause *a* or *b*, as the case may require, of subsection 1 of the said section 20.

s. 22,
repealed

- 7.** Section 22 of the said Act is repealed.

s. 23,
repealed

- 8.** Section 23 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 11, is repealed.

s. 25,
repealed

- 9.** Section 25 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 167, section 7, is repealed.

ss. 30a, 30b,
enacted

- 10.** The said Act is further amended by adding thereto the following sections:

Service

30a. Notice to a person of the suspension of his driver's licence is sufficiently given if delivered personally or sent by registered mail addressed to the person to whom the licence was issued at the latest current address of the person appearing on the records of the Ministry and where notice is given by registered mail it shall be deemed to have been given on the fifth day after the mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice.

Driving
while
driver's
licence
suspended

30b. Every person who drives a motor vehicle on a highway when his driver's licence is suspended by operation of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 and to the suspension of his driver's licence for a period of six months in addition to the period of suspension with respect to which he is convicted under this section.

s. 37(14),
amended

- 11.—(1)** Subsection 14 of section 37 of the said Act is amended by inserting after "every" in the fifth line "motor assisted bicycle".

s. 37(23),
amended

- (2)** Subsection 23 of the said section 37 is amended by inserting after "vehicle" in the first instance in the second line "motor assisted bicycle".

- 12.** Subsection 2 of section 39 of the said Act is amended by ^{s. 39(2),} inserting after "motorcycle" in the first line "or motor assisted bicycle".
- 13.**—(1) Subsection 1 of section 49 of the said Act is amended by ^{s. 49(1),} inserting after "vehicle" in the first line and in the sixth line "or motor assisted bicycle".
- (2) Section 49 of the said Act is amended by adding ^{s. 49,} thereto the following subsection:
- (1a) Subsection 1 does not apply to a motor assisted ^{Idem} bicycle with an attached motor which is driven by electricity.
- (3) Subsection 4 of the said section 49 is amended by inserting ^{s. 49(4),} after "vehicle" in the first line "motor assisted bicycle".
- 14.**—(1) Subsection 1 of section 55 of the said Act is repealed and ^{s. 55(1),} re-enacted the following substituted therefor:
- (1) Every constable and every officer appointed for the ^{Examination of vehicle} purpose of carrying out the provisions of this Act may require the driver of any motor vehicle or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient.
- (2) Subsection 3 of the said section 55 is amended by inserting ^{s. 55(3),} after "vehicle" in the first line and in the second line "or motor assisted bicycle".
- (3) Subsection 4 of the said section 55 is amended by inserting ^{s. 55(4),} after "vehicle" in the second line and in the fourth line "or motor assisted bicycle".
- 15.**—(1) Clause *a* of section 56 of the said Act is amended by ^{s. 56(a),} inserting after "vehicles" in the second line and in the third line "or motor assisted bicycles".
- (2) Clause *b* of the said section 56 is amended by adding at the ^{s. 56(b),} end thereof "and motor assisted bicycles".
- (3) Clause *c* of the said section 56 is amended by inserting ^{s. 56(c),} after "vehicles" in the first and second lines "and motor assisted bicycles".
- 16.** Section 58*l* of the said Act, as enacted by the Statutes of ^{s. 58l,} Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following subsection:
- (3) A provincial judge or justice of the peace who makes ^{Report on conviction} a conviction for an offence under sections 58 to 58*m* or any ^{to Director} regulation made under section 58*m*, or the clerk of the court

in which the conviction is made, shall forthwith certify the conviction to the Director setting out the name, address and description of the person convicted and the provision of this Act contravened.

s. 66 (8),
amended

17. Subsection 8 of section 66 of the said Act is amended by striking out "but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister" in the sixth, seventh and eighth lines.

s. 68 (1),
amended

18. Subsection 1 of section 68 of the said Act is amended by inserting after "more" in the second line "while on a highway".

s. 70 (1),
amended

19.—(1) Subsection 1 of section 70 of the said Act is amended by inserting after "contents" in the first line "while on a highway".

s. 70 (3),
amended

(2) Subsection 3 of the said section 70, as amended by the Statutes of Ontario, 1973, chapter 45, section 24, is further amended by inserting after "contents" in the third line "while on a highway" and by inserting after "together" in the fourth line "while on a highway".

s. 70 (4),
amended

(3) Subsection 4 of the said section 70 is amended by inserting after "vehicles" in the third line "while on a highway".

s. 70 (7),
amended

(4) Subsection 7 of the said section 70, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 24, is amended by inserting after "contents" in the first line "while on a highway".

s. 70 (8),
amended

(5) Subsection 8 of the said section 70 is amended by inserting after "contents" in the first line "while on a highway".

s. 77 (8),
amended

20. Subsection 8 of section 77 of the said Act is amended by striking out "but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister" in the sixth, seventh and eighth lines.

s. 82,
amended

21.—(1) Section 82 of the said Act is amended by adding thereto the following subsection:

Interpre-
tation

(1a) In this section, "motor vehicle" includes "motor assisted bicycle".

s. 82 (8),
amended

(2) Subsection 8 of the said section 82 is amended by striking out "approved by the Ministry and" in the second line.

- 22.** Clause *a* of section 89 of the said Act is amended by striking <sup>s. 89 (a),
amended</sup> out "approved by the Ministry" in the second line.
- 23.** Subsection 2 of section 90 of the said Act is repealed and the <sup>s. 90 (2),
re-enacted</sup> following substituted therefor:
- (2) No yield right-of-way sign shall be erected except in <sup>Erection of
yield signs</sup> compliance with the regulations.
- 24.—(1)** Subsection 1 of section 92 of the said Act is amended by <sup>s. 92 (1),
amended</sup> inserting after "pedestrian" in the first line and in the tenth line "or a person in a wheelchair".
- (2) Subsection 2 of the said section 92 is amended by insert- <sup>s. 92 (2),
amended</sup> ing after "pedestrian" in the fifth line "or a person in a wheelchair".
- (3) Subsection 4 of the said section 92 is repealed and the <sup>s. 92 (4),
re-enacted</sup> following substituted therefor:
- (4) No pedestrian or person in a wheelchair shall leave <sup>Duty of
pedestrian
or person
in</sup> the curb or other place of safety at a pedestrian crossover and walk, run or move the wheelchair into the path of a <sup>or person
in</sup> wheelchair vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way.
- 25.—(1)** Subsection 10 of section 96 of the said Act is amended <sup>s. 96 (10),
amended</sup> by inserting after "pedestrians" in the fourth line "or any person in a wheelchair".
- (2) Subsection 12 of the said section 96 is repealed and the <sup>s. 96 (12),
re-enacted</sup> following substituted therefor:
- (12) Subject to subsection 13, a pedestrian or a person in <sup>Pedestrain
rules re
green
signal</sup> a wheelchair approaching and facing a green light at an intersection may proceed across the roadway, provided that, where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian or the person in the wheelchair shall proceed within the marked portion.
- (3) Subsection 13 of the said section 96 is amended by <sup>s. 96 (13),
amended</sup> inserting after "pedestrian" in the first line "or a person in a wheelchair".
- (4) Subsection 14 of the said section 96 is amended by <sup>s. 96 (14),
amended</sup> inserting after "pedestrian" in the second line "or a person in a wheelchair".

s. 96 (15),
re-enacted

(5) Subsection 15 of the said section 96 is repealed and the following substituted therefor:

Pedestrian
control
signals

(15) Notwithstanding subsection 12,

- (a) when a "walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right of way over all vehicles;
- (b) when a "wait" or "don't walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown;
- (c) a pedestrian or a person in a wheelchair proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has the right of way for that purpose over all vehicles.

s. 98 (5),
amended

26. Subsection 5 of section 98 of the said Act is amended by inserting after "bicycle" in the first line and in the fifth line "motor assisted bicycle".

s. 101,
amended

27. Section 101 of the said Act is amended by striking out "approved by the Ministry" in the fourth line.

s. 114,
amended

28. Section 114 of the said Act is amended by inserting after "vehicle" in the second line and in the fourth line "or motor assisted bicycle".

s. 120 (1),
re-enacted

29.—(1) Subsection 1 of section 120 of the said Act is repealed and the following substituted therefor:

Interpre-
tation

(1) In this section, "school bus" means a bus used for the transportation of children to and from school that,

- (a) bears on the rear thereof the words "do not pass when signals flashing";
- (b) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof; and

- (c) is painted chrome yellow with black lettering and trim,

as required by the regulations.

(1a) No bus, other than a school bus, shall be painted ^{Prohibition} chrome yellow.

(1b) No motor vehicle, other than a school bus, shall bear ^{Idem} the words "do not pass when signals flashing".

(2) Subsection 2 of the said section 120 is amended by <sup>s.120 (2),
amended</sup> striking out "or part of a highway on which the maximum speed limit is greater than 35 miles per hour for the purpose of receiving or discharging school children" in the first, second, third and fourth lines.

(3) Subsections 3 and 4 of the said section 120 are repealed <sup>s.120 (3,4),
re-enacted</sup> and the following substituted therefor:

(3) The driver of a school bus on a highway, when he is <sup>Duty of
driver
of school
bus as to
signal-
lights</sup> about to stop the school bus for the purpose of receiving or discharging school children, except at a stopping place where a signal-light traffic control system is in operation, shall actuate the red signal-lights on the school bus and shall continue them in operation while stopped for such purpose and, in the case of a highway that does not have a median strip, until those children who of necessity must cross the highway have completed the crossing.

(4) The driver of a school bus on a highway shall not ^{Idem} actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection 3.

(4) Clause b of subsection 6 of the said section 120 is repealed <sup>s.120 (6) (b),
re-enacted</sup> and the following substituted therefor:

(b) prescribing the type, design and colour of such vehicles or any class or type thereof and the markings to be displayed thereon.

30.—(1) Subsection 1 of section 122 of the said Act is amended <sup>s.122 (1),
amended</sup> by inserting after "upon" in the first line "a motor assisted bicycle".

(2) Subsection 2 of the said section 122 is amended by <sup>s.122 (2),
amended</sup> inserting after "on" in the first line "a motor assisted bicycle or".

s. 128 (1),
amended

31.—(1) Subsection 1 of section 128 of the said Act is amended by striking out “part of the King’s Highway” in the second and third lines and inserting in lieu thereof “highway or part thereof”.

s. 128 (2),
amended

(2) Subsection 2 of the said section 128 is amended by inserting after “bicycles” in the second line “wheelchairs”.

s. 135 (1),
re-enacted

32. Subsection 1 of section 135 of the said Act is repealed and the following substituted therefor:

(1) If a provision of a municipal by-law passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for,

(a) regulating traffic on the highways;

(b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or

(c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

is inconsistent with this Act and the by-law would have required the approval of the Minister or of the Ministry prior to the coming into force of this subsection, the provision of the by-law shall be deemed to be repealed.

Filing of
municipal
by-laws
with
Ministry

(1a) Subject to subsection 1b, a copy of every municipal by-law passed for any of the purposes mentioned in clause a or c of subsection 1 except by-laws regulating or prohibiting parking, stopping or standing shall be filed with the Ministry by the clerk of the municipality within fifteen days of the passing thereof.

Approval of
traffic
by-laws of
Connecting
links

(1b) All by-laws passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for the purposes mentioned in clause a or c of subsection 1 which affect traffic on highways designated as connecting links pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* shall not become operative until approved by the Ministry.

R.S.O. 1970,
c. 201

33. Subsection 1 of section 139 of the said Act is amended by inserting after “vehicle” in the first line “or motor assisted bicycle”.

34. Subsection 2 of section 147 of the said Act is amended by inserting after "vehicle" in the first line "or motor assisted bicycle".<sup>s.147(2).
amended</sup>

35. The said Act is further amended by adding thereto the following sections:<sup>ss. 150a,
150b,
enacted</sup>

150a.—(1) In this section, "judge" means a judge, provincial judge or justice of the peace.^{Interpretation}

(2) Subject to subsection 3, a person whose driver's licence is suspended by a judge or by operation of this Act shall immediately forward the driver's licence to the Registrar.^{Return of suspended driver's licence to Registrar}

(3) Where a judge makes a conviction and the driver's licence of the person convicted is suspended by the judge or by operation of this Act, the judge shall take the driver's licence and forward it to the Registrar.^{Judge to secure possession}

150b.—(1) Where by or under the provisions of this Act a driver's licence is suspended and the person to whom the suspension applies refuses or fails to surrender his licence to the Registrar forthwith, any police officer or constable may take possession of the licence and return it to the Registrar and the Registrar may direct any police officer or constable to take possession of the licence and return it to the Registrar.<sup>Police officer,
constable
may secure possession</sup>

(2) Every person who fails or refuses to surrender his driver's licence when required by a police officer or constable pursuant to subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.^{Penalty}

36. The said Act is further amended by adding thereto the following section:<sup>s.153a.
enacted</sup>

153a.—(1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 1 of section 20, and before the court accepts the plea of such person, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect:^{Suspension of licence upon conviction}

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended forthwith for the period prescribed by statute".

(2) The suspension of a driver's licence by operation of this Act shall not be held to be invalid by reason of failure of^{Idem}

the clerk or registrar of the court to give the notice provided for in subsection 1.

s. 154(2),
re-enacted

37. Subsection 2 of section 154 of the said Act is repealed and the following substituted therefor:

Second
conviction

(2) Where there is a conviction under the section mentioned in clause *b* of subsection 1 and a previous conviction under a section mentioned in clause *a* of subsection 1, such first-mentioned conviction shall be deemed a second conviction.

Commencement

38.—(1) This Act, except sections 3, 6, 7, 8, 9 and 29, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 6, 7, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Section 29 comes into force on the 1st day of April, 1975.

Short title

39. This Act may be cited as *The Highway Traffic Amendment Act, 1974 (No. 2)*.

An Act to amend
The Highway Traffic Act

1st Reading

December 12th, 1974

2nd Reading

February 3rd, 1975

3rd Reading

February 4th, 1975

THE HON. J. R. RHODES
Minister of Transportation
and Communications

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4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The Ministry of Transportation
and Communications Act, 1971



THE HON. J. R. RHODES
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

Section 3a is a statutory statement of the powers, duties and functions of the Minister in the field of transportation and communications.

Section 3b is a statutory statement of the duties of the Minister in the field of communications.

Section 3c is a statutory statement of the powers the Minister may exercise in carrying out his duties and functions under the Act.

BILL 178**1974**

**An Act to amend
The Ministry of Transportation
and Communications Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ministry of Transportation and Communications Act, 1971*, ss. 3a-3c, being chapter 13, is amended by adding thereto the following sections:

3a. The powers, duties and functions of the Minister shall encompass matters relating to transportation and communications. Functions of Minister

3b. The Minister shall prepare and develop policies and implement programs designed to, Communications duties of Minister

(a) facilitate the provision of adequate, efficient and reliable communications services in Ontario;

(b) ensure that communications planning is responsive to the social, cultural and economic goals of the Government;

(c) encourage the development of strong communications ties between communities and regions within Ontario; and

(d) promote the development of communications manufacturing and production industries in Ontario.

3c. The Minister may, in exercising his powers and carrying out his duties and functions under this Act, Powers

(a) initiate, conduct and assist in any investigation, survey, inventory, research or study in respect of matters relating to transportation and communications;

- (b) collect and publish information and statistics relating to transportation and communications;
- (c) provide financial assistance for the establishment, development, maintenance and operation of transportation and communications facilities and services;
- (d) enter into contracts and agreements for the purpose of carrying out his duties and functions in the administration of the Ministry; and
- (e) assist the development of transportation and communications in any manner considered to be proper.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ministry of Transportation and Communications Amendment Act, 1974*.

BILL 178

An Act to amend
The Ministry of Transportation
and Communications Act, 1971

1st Reading

December 12th, 1974

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(*Government Bill*)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The Crown Employees Collective Bargaining Act, 1972



THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet

EXPLANATORY NOTES

SECTION 1.—Subsection 1. Complementary to the re-enactment of section 36 of the Act, the definition of "adjudicator" is repealed.

Subsection 2. Clause g^o of subsection 1 of section 1 of the Act defines "employee" and lists certain exceptions in the subclauses. The amendment to subclause viii is complementary to the amendments contained in Bill 170, *An Act to amend The Legislative Assembly Act*.

Subsection 3. An additional exception is added to the definition of "employee".

BILL 179**1974**

**An Act to amend
The Crown Employees Collective
Bargaining Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 1 of section 1 of *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, is repealed.
- (2) Subclauses *v* and *viii* of clause *g* of subsection 1 of the said section 1 are repealed and the following substituted therefor:
 - (v) a student employed during the student's regular vacation period or on a co-operative educational training program or a person not ordinarily required to work more than one-third of the normal period for persons performing similar work except where the person works on a regular and continuing basis,
 - .
 - .
 - .
 - .
 - (viii) a person employed in the office of the Provincial Auditor or in the Office of the Assembly.
- (3) Clause *g* of subsection 1 of the said section 1 is amended by striking out "or" at the end of subclause *vii*, by adding "or" at the end of subclause *viii* and by adding thereto the following subclause:
 - (ix) a person employed by or under the Tribunal or the Grievance Settlement Board.

s. 1 (1) (o),
repealed

(4) Clause o of subsection 1 of the said section 1 is repealed.

s. 4a,
enacted

2. The said Act is amended by adding thereto the following section:

Pre-hearing
vote

4a.—(1) Upon an application for representation rights, the employee organization may request that a pre-hearing representation vote be taken.

Voting
constituency

(2) Upon such a request being made, the Tribunal may, subject to subsection 2 of section 3, determine a voting constituency and, if it appears to the Tribunal on an examination of the records of the employee organization and the records of the employer that not less than 35 per cent of the employees in the voting constituency are members of the employee organization at the time the application was made, the Tribunal may direct that a representation vote be taken among the employees in the voting constituency.

Sealing of
ballot boxes

(3) The Tribunal shall direct that the ballot box containing the ballots cast in a representation vote taken under subsection 2 shall be sealed and that the ballots shall not be counted until the parties have been given full opportunity to present their evidence and make their submissions.

Effect
of vote

(4) After a representation vote has been taken under subsection 2, the Tribunal shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35 per cent of the employees in the bargaining unit are members of the employee organization at the time the application was made, the representation vote taken under subsection 2 shall be deemed to be a representation vote taken under subsection 2 of section 4.

s. 6,
re-enacted

3. Section 6 of the said Act is repealed and the following substituted therefor:

Bargaining
authority

6. Upon being granted representation rights, the employee organization is authorized to bargain with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 1 of section 17, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to an employee for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by employees including paid holidays, paid vaca-

Subsection 4. Complementary to the re-enactment of section 18 of the Act, the definition of "Public Service Grievance Board" is repealed.

SECTION 2. New section *4a* of the Act provides for a pre-hearing representation vote.

SECTION 3. Section 6 of the Act, setting out the matters that may be the subject of collective bargaining, is re-enacted to refer to "promotions, demotions, transfers, lay-offs or reappointments of employees" in place of referring to the methods of effecting them, and to refer to the classification and job evaluation system.

SECTION 4. Sections 8 and 9 of the Act relate to mediation procedure. The Tribunal is given authority to determine the mediation procedure and to appoint such person or persons as it determines is appropriate.

SECTION 5. Section 10 of the Act is related to boards of arbitration. The re-enacted subsections provide for a board of arbitration composed of a member appointed by each of the parties and a chairman appointed by the two members. Provision is made for appointment of a member or a chairman by the Tribunal where this is not done by the parties and for the replacement of a member or the chairman.

tions, group life insurance, health insurance and long-term income protection insurance, promotions, demotions, transfers, lay-offs or reappointments of employees, the procedures applicable to the processing of grievances, the classification and job evaluation system, and the conditions applicable to leaves of absence for other than any elective public office or political activities or training and development.

4. Sections 8 and 9 of the said Act are repealed and the following substituted therefor: ss. 8, 9,
re-enacted

8.—(1) Where notice has been given under section 7 or 20, Mediation following consultation with the parties, the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, prescribe such mediation procedure as the Tribunal decides will be most effective to realize a collective agreement.

(2) In the exercise of its power under subsection 1, the Appointment Tribunal may appoint such person or persons as it may determine to be appropriate in order to give effect to the procedure prescribed by the Tribunal.

9. If a collective agreement is not realized pursuant to the procedure prescribed by the Tribunal within thirty days after the appointment of the person or persons under subsection 2 of section 8, or such longer period as the Tribunal may direct or the parties may agree upon, or if the Tribunal decides that the establishment of such procedure will not be effective, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided by a board of arbitration in accordance with this Act. When
matters
may be
determined
by
arbitration
board

5. Subsections 1 to 8 of section 10 of the said Act are repealed s. 10 (1-7),
re-enacted
s. 10 (8),
repealed and the following substituted therefor:

(1) Upon written notification by the Tribunal, each of the parties shall, within ten days of the notification, appoint to a board of arbitration a member who has indicated his willingness to act and shall each notify in writing the other party and the Tribunal of the name and address of the member so appointed. Appointment
of members
of board
by parties

(2) Where a party fails to appoint a member of a board within the period of ten days mentioned in subsection 1, Appointment
by Tribunal
upon failure
of party to
appoint
representative the Tribunal shall appoint as a member such person as may be nominated in writing by either party or, if no person is so nominated, such person as the Tribunal considers suitable.

Appointment
of chairman

(3) The two members so appointed shall, within five days after the appointment of the second of them, appoint a third person to act as chairman of the board of arbitration and shall notify the Tribunal of the name and address of the chairman, and where no chairman is agreed upon within such time, the members or either of them, shall notify the Tribunal which shall appoint the chairman.

Disqualifica-
tion

(4) No person shall be appointed a member of a board who has any direct pecuniary interest in the matters coming before it or who is acting or has, within a period of six months immediately preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Vacancy

(5) Where a member appointed under subsection 1 or 2 ceases to act by reason of resignation, death or otherwise before the board has completed its work, the party whose point of view the member represented shall, within ten days of the member so ceasing to act, appoint a replacement and notify in writing the other party and the Tribunal of the name and address of the replacement, and where the party fails to so appoint a replacement or to notify the Tribunal, the Tribunal shall appoint as a replacement such person as may be nominated in writing by either party or, if no person is so nominated, such person as the Tribunal considers suitable and the board of arbitration shall continue to function as if the replacement member were a member of the board from the beginning.

Chairman
unable to act

(6) Where the chairman of a board is unable to enter on or to carry on his duties so as to enable the board to render a decision within a reasonable time after its establishment, the Tribunal shall appoint a person to act as chairman in his place and the arbitration shall begin *de novo*.

Remunera-
tion

(7) The chairman and the members of a board shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

s. 11 (2) (c),
re-enacted

6. Clause *c* of subsection 2 of section 11 of the said Act is repealed and the following substituted therefor:

(c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications of employees; and

s. 16 (2),
re-enacted

7. Subsection 2 of section 16 of the said Act is repealed and the following substituted therefor:

SECTION 6. Subsection 2 of section 11 of the Act sets out factors to be considered by a board of arbitration. Clause c of the subsection is re-enacted to refer to "classifications of employees" rather than "classifications in the public service". The term "employee" is defined in the Act.

SECTION 7. Subsection 2 of section 16 of the Act provides that a board of arbitration shall not set the term of a collective agreement at less than two years. The subsection is re-enacted to remove this time requirement.

SECTION 8. Subsection 1 of section 17 of the Act, setting out the matters that are not the subject of collective bargaining, is re-enacted to remove the references to "job evaluation system" and "the principles and standards governing promotion, demotion, transfer, lay-off and reappointment", to include "suspension" and to provide that certain matters the employer has the right to determine will be subject to review with the bargaining agent.

Subsection 2 of section 17 of the Act is re-enacted to clarify the ground for grievance set out in clause *b* and to provide for final determination of grievances pursuant to new section 18 of the Act rather than pursuant to *The Public Service Act*.

Section 18 of the Act is re-enacted to refer to the Grievance Settlement Board, established under new section 18*a* of the Act, rather than to the Public Service Grievance Board established under *The Public Service Act*.

New section 18*a* of the Act provides for the establishment of the Grievance Settlement Board composed of a chairman, one or more vice-chairmen and an equal number of representatives of employees and the employer. The Board may sit in panels and is empowered to determine its own practice and procedure but must give full opportunity to the parties to any proceedings to present their evidence and make their submissions.

(2) If the parties fail to agree on the term of a collective agreement, the board shall determine its term of operation.

Where Board
to determine
term of
agreement

8. Sections 17 and 18 of the said Act are repealed and the following substituted therefor:

ss. 17, 18,
re-enacted

17.—(1) Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine,

- (a) employment, appointment, complement, organization, assignment, discipline, dismissal, suspension, work methods and procedures, kinds and locations of equipment and classification of positions; and
- (b) merit system, training and development, appraisal and superannuation, the governing principles of which are subject to review by the employer with the bargaining agent,

and such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

(2) In addition to any other rights of grievance under a collective agreement, an employee claiming,

- (a) that his position has been improperly classified;
- (b) that he has been appraised contrary to the governing principles and standards; or
- (c) that he has been disciplined or dismissed or suspended from his employment without just cause,

may process such matter in accordance with the grievance procedure provided in the collective agreement, and failing final determination under such procedure, the matter may be processed in accordance with the procedure for final determination applicable under section 18.

18.—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Grievance Settlement Board and the Board after giving full opportunity to the parties to present their evidence and to make their submissions, shall

Arbitration
of disputes
under
agreement

decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement.

Powers

(2) The Grievance Settlement Board has the same powers as a board of arbitration under subsections 12 and 13 of section 10.

Penalty where employee disciplined, etc.

(3) Where the Grievance Settlement Board determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Enforcement of arbitration decisions

(4) Where a party or an employee has failed to comply with any of the terms of the decision of the Grievance Settlement Board, any party or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Composition of Grievance Settlement Board

18a.—(1) There shall be a Grievance Settlement Board composed of a chairman, one or more vice-chairmen and an equal number, that shall be determined by the Lieutenant Governor in Council, of members representing the employees that are represented by a bargaining agent and members representing the employer.

Appointment of chairman and vice-chairman

(2) The Lieutenant Governor in Council shall appoint, for a term of not more than two years and may reappoint for one or more subsequent terms of not more than two years each, the chairman and the vice-chairman or vice-chairmen after requesting and considering the views, if any, of each bargaining agent.

Appointment of members

(3) The members who are representative of the employer shall be appointed by the Lieutenant Governor in Council and the members who are representative of the interests of employees shall be appointed by the Lieutenant Governor in Council after requesting and considering the views, if any, of each bargaining agent and such appointments shall be for a term of not more than two years and a member may be reappointed for one or more subsequent terms of not more than two years each.

Sittings of Grievance Settlement Board

(4) The Grievance Settlement Board may sit in two or more panels as decided and assigned by the chairman so long as a quorum is present in each panel.

SECTION 9. Section 24 of the Act is re-enacted to provide an exception by agreement of the employer and a bargaining agent.

(5) The chairman or a vice-chairman, one member representative of employee interest and one member representative of employer interest constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Grievance Settlement Board.

(6) The decision of a majority of the members present and constituting a quorum is the decision of the Grievance Settlement Board, and, if there is no majority, the decision of the chairman or vice-chairman governs.

(7) Where a member of the Grievance Settlement Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Grievance Settlement Board.

(8) The Grievance Settlement Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Grievance Settlement Board may, subject to the approval of the Lieutenant Governor in Council, make regulations governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

(9) The Lieutenant Governor in Council may appoint a registrar, such other officers and such staff and persons as are required for the purposes of the Grievance Settlement Board and they shall exercise such powers and perform such duties as are conferred upon them by the Grievance Settlement Board.

(10) The chairman, the vice-chairman or vice-chairmen and the members, the officers and staff of the Grievance Settlement Board shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

(11) The Grievance Settlement Board shall have an official seal.

(12) The office of the Grievance Settlement Board shall be in the City of Toronto, but the Grievance Settlement Board may sit at such other places as it considers expedient.

9. Section 24 of the said Act is repealed and the following substituted therefor:

Persuasion
at place
of work

24. No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization except as the employer and a bargaining agent may otherwise agree.

s. 36,
re-enacted

10. Section 36 of the said Act is repealed and the following substituted therefor:

Tribunal
established

36.—(1) There is hereby established a tribunal to be known as the Ontario Public Service Labour Relations Tribunal.

Composition
of
Tribunal

(2) The Tribunal shall be composed of a chairman, one or more vice-chairmen and an equal number, that shall be determined by the Lieutenant Governor in Council, of members representing employees and members representing the employer.

Appointment
of chairman
and vice-
chairmen

(3) The Lieutenant Governor in Council shall appoint, for a term of not more than two years and may reappoint for one or more subsequent terms of not more than two years each, the chairman and the vice-chairman or vice-chairmen after requesting and considering the views, if any, of each bargaining agent.

Appointment
of members

(4) The members of the Tribunal who are representative of the employer shall be appointed by the Lieutenant Governor in Council and the members who are representative of the interests of employees shall be appointed by the Lieutenant Governor in Council after requesting and considering the views, if any, of each bargaining agent and such appointments shall be for a term of not more than two years and a member may be reappointed for one or more subsequent terms of not more than two years each.

Alternate
chairman

(5) The Lieutenant Governor in Council shall designate one of the vice-chairmen as the alternate chairman.

Assignment
of members

(6) The chairman or, in the case of his absence from the office of the Tribunal or his inability to act, the alternate chairman shall from time to time assign the members of the Tribunal to its various divisions and may change any such assignment at any time.

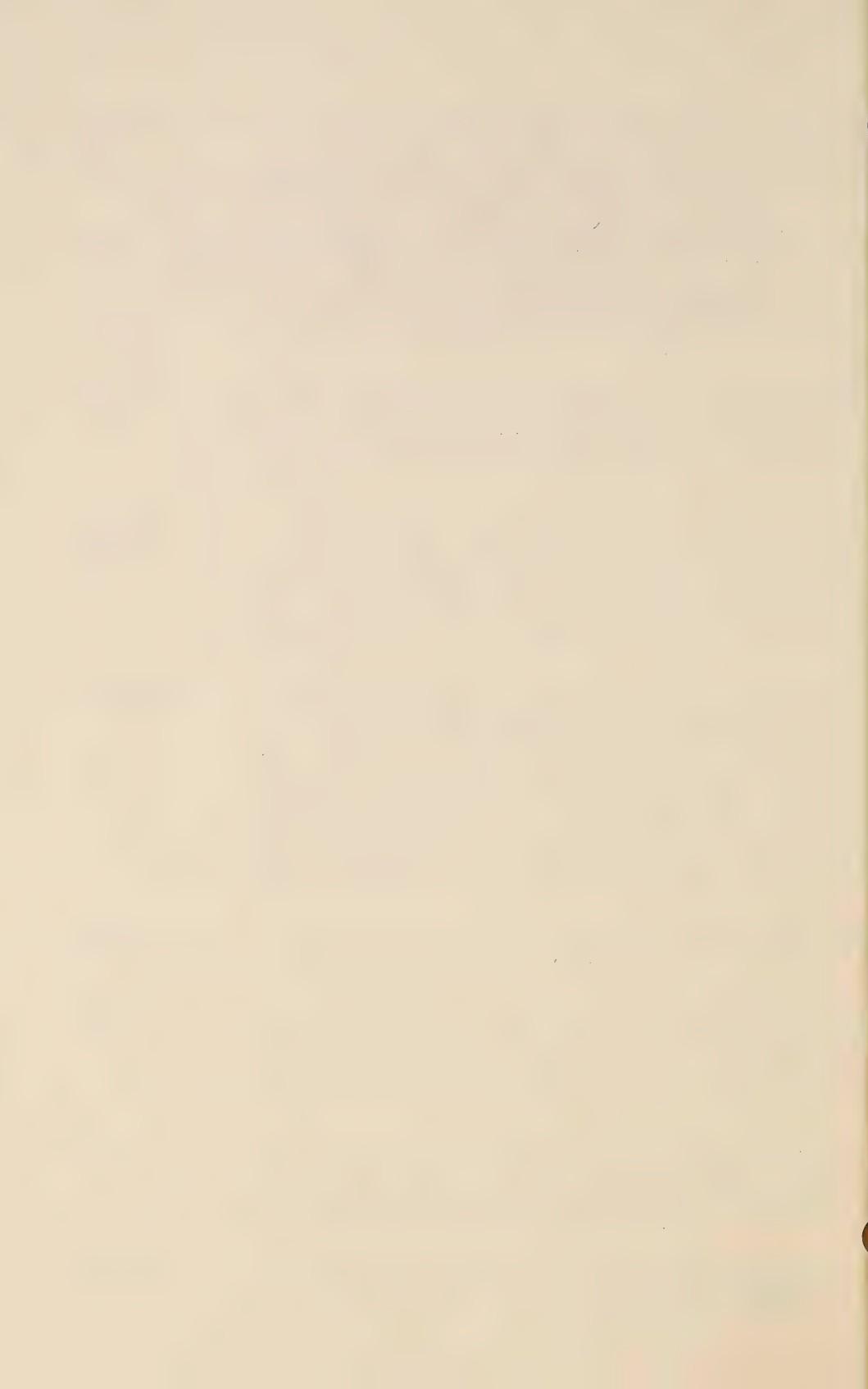
Vacancy

(7) Vacancies in the membership of the Tribunal from any cause may be filled by the Lieutenant Governor in Council after requesting and considering the views, if any, of representatives of each bargaining agent.

Completion
of duties

(8) Where the chairman, a vice-chairman or a member of the Tribunal resigns, he may carry out and complete any

SECTION 10. Section 36 of the Act is re-enacted to change the composition of the Ontario Public Service Labour Relations Tribunal. The Tribunal is to be composed of a chairman, one or more vice-chairmen and an equal number of members representing the employees and the employer. The Tribunal is empowered to sit in divisions and to determine its own practice and procedure but must give full opportunity to the parties to any proceedings to present their evidence and make their submissions.



duties or responsibilities and exercise any powers that he would have had if he had not resigned in connection with any matter in respect of which there was any proceeding in which he participated as the chairman, a vice-chairman or a member of the Tribunal.

(9) The chairman, each vice-chairman and each member ^{Oath} of the Tribunal shall, before entering upon his duties, take and subscribe before the Clerk of the Executive Council and file in the office of the Clerk an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of chairman, (or vice-chairman, or member) of the Ontario Public Service Labour Relations Tribunal and I will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Tribunal. So help me God.

(10) The chairman or a vice-chairman, one member representative of the employer and one member representative of employees constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Tribunal. ^{Quorum}

(11) The Tribunal may sit in two or more divisions as ^{Sittings} decided and assigned by the chairman so long as a quorum is present in each division.

(12) A decision of the majority of the members of the ^{Decision} Tribunal present and constituting a quorum is the decision of the Tribunal, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs.

(13) The Tribunal shall determine its own practice and ^{Procedure} procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

(14) The Lieutenant Governor in Council may appoint ^{Appointment of officers} a registrar, such other officers and such staff and persons as are required for the purposes of the Tribunal and they shall exercise such powers and perform such duties as are conferred or imposed upon them by the Tribunal.

(15) The chairman, vice-chairman or vice-chairmen and ^{Remuneration} the members, officers and staff of the Tribunal shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

Official seal

Office and settings

Hearing under
1972, c. 67

s. 38.
amended

Question as to
bargaining authority

s. 39 (1) (c),
re-enacted;
s. 39 (1) (d),
repealed

s. 47,
re-enacted

Testimony in civil suit

s. 49 (5),
re-enacted

(16) The Tribunal shall have an official seal.

(17) The office of the Tribunal shall be in the City of Toronto, but the Tribunal may sit at such other places as it considers expedient.

11. Where the Ontario Public Service Labour Relations Tribunal, established under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, proposed to hold or commenced but did not complete a matter or did not make a decision or declaration thereon, immediately before this section comes into force, the matter shall be continued by the Tribunal and the Tribunal shall continue and complete the matter and make a decision or declaration thereon that shall be effective for all purposes under *The Crown Employees Collective Bargaining Act, 1972*.

12. Section 38 of the said Act is amended by adding thereto the following subsection:

(2) If, in the course of bargaining for a collective agreement or during proceedings before a board of arbitration, a question arises as to whether a matter comes within the scope of collective bargaining under this Act, either party or the board of arbitration may refer the question to the Tribunal and its decision thereon is final and binding for all purposes.

13. Clauses *c* and *d* of subsection 1 of section 39 of the said Act are repealed and the following substituted therefor:

(c) to authorize any persons to do anything that the Tribunal may do under clauses *a* and *b* and to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon.

14. Section 47 of the said Act is repealed and the following substituted therefor:

47. No chairman, vice-chairman or member of the Tribunal or of a board or of the Grievance Settlement Board and no person appointed thereby shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act.

15. Subsection 5 of section 49 of the said Act is repealed and the following substituted therefor:

SECTION 11. The section provides for the continuation by the former Tribunal of matters not completed by it.

SECTION 12. Subsection 2 of section 38 of the Act is enacted to provide that either party or a board of arbitration may refer to the Tribunal a question as to whether any matter comes within the scope of collective bargaining under the Act.

SECTION 13. The new clause *c* combines the former clauses *c* and *d* and, complementary to the re-enactment of section 36 of the Act, removes the reference to an adjudicator.

SECTION 14. The re-enactment of section 47 of the Act, complementary to the enactment of section 18a of the Act, replaces a reference to the Public Service Grievance Board with a reference to the Grievance Settlement Board.

SECTION 15. Subsection 5 of section 49 of the Act, relating to the competency and compellability of a board of arbitration in court proceedings, is re-enacted to mention the Grievance Settlement Board.

SECTION 16. Section 49a of the Act provides for recognition of a change in the name of a bargaining agent by way of application to and a declaration by the Tribunal.

Section 49b of the Act relates to successor rights as bargaining agent where there is a merger or transfer of jurisdiction. The section provides that an employee organization may apply to the Tribunal for recognition as the successor bargaining agent and for the Tribunal to conduct a vote of employees. The Tribunal may make an inquiry and may then dismiss the application or direct that a vote be taken. Where more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal is required to declare that the employee organization has acquired representation rights as the successor bargaining agent.

Section 49c of the Act relates to bargaining rights where two or more bargaining units are merged or employees are transferred from a bargaining unit into another bargaining unit or into a unit of employees for which there is no bargaining agent. The section provides for an application to the Tribunal by an affected bargaining agent. Following an inquiry, the Tribunal is required, where it determines that a bargaining agent represents not less than 35 per cent of the employees in the unit, to direct that a representation vote be taken. Where more than 50 per cent of the ballots cast are in favour of a bargaining agent, the Tribunal is required to determine that the bargaining agent has acquired or retained representation rights as bargaining agent of the employees in the bargaining unit. The section also provides that an employee organization that is declared to retain representation rights continues to be bound by its collective agreement with the employer and, where an application is made under the section, the employer is not required to bargain concerning the employees to whom the application relates, until the Tribunal has disposed of the application.

(5) The chairman, vice-chairman or vice-chairmen or any member of the Tribunal or of a board or of the Grievance Settlement Board is not a competent or compellable witness in proceedings before a court or other tribunal respecting,

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him; or
- (c) any statement made by him,

in the course of his duties under this Act.

16. The said Act is further amended by adding thereto the following sections:

49a. Where, upon an application by a bargaining agent for recognition of a change in the name of the bargaining agent, the Tribunal is satisfied that the change has been made in conformity with the charter or constitution of the employee organization, the Tribunal shall make an affirmative declaration and the bargaining agent shall be conclusively presumed to have retained all rights, privileges, duties and obligations whether under a collective agreement or otherwise, and the employer and the employees concerned shall recognize such status in all respects.

49b.—(1) Where an employee organization claims that by reason of a merger or a transfer of jurisdiction it is the successor of a bargaining agent, the employee organization may, notwithstanding the provisions of subsections 2 and 3 of section 2 and subsection 1 of section 19, make application to the Tribunal for recognition as the successor bargaining agent and for the Tribunal to conduct a vote of employees to determine if they are in favour of the employee organization being granted representation rights as the successor bargaining agent for the bargaining unit concerned.

(2) The Tribunal may make such inquiry, including requiring the production of such evidence and the doing of such things, as it may consider appropriate.

(3) Following its inquiry under subsection 2, the Tribunal may dismiss the application or direct that a vote be taken of the employees in the bargaining unit to determine whether they favour the employee organization being granted representation rights as the successor bargaining agent.

Declaration
of successor
rights

(4) Where, on the taking of a vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal shall declare that the employee organization has acquired representation rights as successor bargaining agent of the employees in the bargaining unit.

Status of
successor
bargaining
agent

(5) Where the Tribunal makes an affirmative declaration under subsection 4, the successor bargaining agent shall for the purposes of this Act be conclusively presumed to have acquired the rights, privileges, duties and obligations of its predecessor whether under a collective agreement or otherwise, and the employer, the successor bargaining agent and the employees concerned shall recognize such status in all respects.

Bargaining
rights on
merger of
units or
creation of
new unit

49c.—(1) Where two or more existing bargaining units are merged either partially or completely, or where employees represented by a bargaining agent are transferred into a bargaining unit represented by another bargaining agent or into a unit of employees for which there is no bargaining agent, the Tribunal, on the application to it by a bargaining agent affected, may make such inquiry, including requiring the production of such evidence and the doing of such things as it may consider appropriate.

Representa-
tion vote

(2) Where, following the inquiry under subsection 1, the Tribunal determines that the merged or enlarged unit of employees is appropriate for collective bargaining purposes and is satisfied that more than 50 per cent of the employees in the merged or enlarged unit of employees are members of a bargaining agent and that application has not been made by another bargaining agent affected and representing 35 per cent or more of the employees, as members, in the merged or enlarged unit of employees, it shall determine that the bargaining agent has acquired or retained, as the case may be, representation rights as the bargaining agent of the employees in the bargaining unit concerned.

Declaration
of successor
rights

(3) Where, following the inquiry under subsection 1, the Tribunal determines that the merged or enlarged unit of employees is appropriate for collective bargaining purposes and is satisfied that a bargaining agent represents not less than 35 per cent and not more than 50 per cent, of the employees in the merged or enlarged unit of employees as members, it shall direct that a representation vote be taken.

Notice to
bargain

(4) Where an employee organization is declared to be the bargaining agent under subsection 3 and it is not already bound by a collective agreement with the employer with respect to the employees for whom it is declared to be the

SECTION 17. The amendment is complementary to subsection 7 of new section 10 of the Act, subsection 10 of new section 18*a* of the Act and subsection 18 of new section 36 of the Act.

bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 7.

(5) Where the employee organization is declared to retain representation rights by the Tribunal it shall continue to be bound by the collective agreement with the employer with respect to the employees for whom it is declared to be the bargaining agent.

(6) Where an application is made under this section, notwithstanding that a notice has been given by an employee organization, the employer is not required to bargain with that employee organization concerning the employees to whom the application relates until the Tribunal has disposed of the application and has declared which employee organization, if any, has the right to bargain with the employer on behalf of the employees concerned in the application.

(7) A declaration made by the Tribunal under subsection 3 has the same effect as the granting of representation rights under subsection 2 of section 4, except as provided in subsection 5 of this section.

17. Clause *c* of section 51 of the said Act is repealed.

s. 51 (c),
repealed

18. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Commencement

19. This Act may be cited as *The Crown Employees Collective Bargaining Amendment Act, 1974.*

Short title

An Act to amend
The Crown Employees Collective
Bargaining Act, 1972

1st Reading

December 12th, 1974

2nd Reading

3rd Reading

THE HON. E. A. WINKLER
Chairman, Management Board
of Cabinet

(*Government Bill*)

CAZON

BILL 179

XB

-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The Crown Employees Collective Bargaining Act, 1972

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet



(Reprinted as amended by the Social Development Committee)

TORONTO

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EXPLANATORY NOTES

SECTION 1.—Subsection 1. Complementary to the re-enactment of section 36 of the Act, the definition of “adjudicator” is repealed.

Subsection 2. Clause *g* of subsection 1 of section 1 of the Act defines “employee” and lists certain exceptions in the subclauses.

Subsection 3. An additional exception is added to the definition of “employee”.

BILL 179**1974**

**An Act to amend
The Crown Employees Collective
Bargaining Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 1 of section 1 of *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, is repealed.
- (2) Subclauses *v* and *viii* of clause *g* of subsection 1 of the said section 1 are repealed and the following substituted therefor:
 - (v) a student employed during the student's regular vacation period or on a co-operative educational training program or a person not ordinarily required to work more than one-third of the normal period for persons performing similar work except where the person works on a regular and continuing basis,
 - .
 - .
 - .
 - .
 - .
 - .
 - (viii) a person employed in the office of the Provincial Auditor.
- (3) Clause *g* of subsection 1 of the said section 1 is amended by striking out "or" at the end of subclause *vii*, by adding "or" at the end of subclause *viii* and by adding thereto the following subclause:
 - (ix) a person employed by or under the Tribunal or the Grievance Settlement Board.

s. 1(1)(o),
repealed

(4) Clause o of subsection 1 of the said section 1 is repealed.

s. 4a,
enacted

2. The said Act is amended by adding thereto the following section:

Pre-hearing
vote

4a.—(1) Upon an application for representation rights, the employee organization may request that a pre-hearing representation vote be taken.

Voting
constituency

(2) Upon such a request being made, the Tribunal may, subject to subsection 2 of section 3, determine a voting constituency and, if it appears to the Tribunal on an examination of the records of the employee organization and the records of the employer that not less than 35 per cent of the employees in the voting constituency are members of the employee organization at the time the application was made, the Tribunal may direct that a representation vote be taken among the employees in the voting constituency.

Sealing of
ballot boxes

(3) The Tribunal shall direct that the ballot box containing the ballots cast in a representation vote taken under subsection 2 shall be sealed and that the ballots shall not be counted until the parties have been given full opportunity to present their evidence and make their submissions.

Effect
of vote

(4) After a representation vote has been taken under subsection 2, the Tribunal shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35 per cent of the employees in the bargaining unit are members of the employee organization at the time the application was made, the representation vote taken under subsection 2 shall be deemed to be a representation vote taken under subsection 2 of section 4.

s. 6,
re-enacted

3. Section 6 of the said Act is repealed and the following substituted therefor:

Bargaining
authority

6. Upon being granted representation rights, the employee organization is authorized to bargain with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 1 of section 17, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to an employee for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by employees including paid holidays, paid vaca-

Subsection 4. Complementary to the re-enactment of section 18 of the Act, the definition of "Public Service Grievance Board" is repealed.

SECTION 2. New section 4a of the Act provides for a pre-hearing representation vote.

SECTION 3. Section 6 of the Act, setting out the matters that may be the subject of collective bargaining, is re-enacted to refer to "promotions, demotions, transfers, lay-offs or reappointments of employees" in place of referring to the methods of effecting them, and to refer to the classification and job evaluation system.

SECTION 4. Sections 8 and 9 of the Act relate to mediation procedure. The Tribunal is given authority to determine the mediation procedure and to appoint such person or persons as it determines is appropriate.

SECTION 5. Section 10 of the Act is related to boards of arbitration. The re-enacted subsections provide for a board of arbitration composed of a member appointed by each of the parties and a chairman appointed by the two members. Provision is made for appointment of a member or a chairman by the Tribunal where this is not done by the parties and for the replacement of a member or the chairman.

tions, group life insurance, health insurance and long-term income protection insurance, promotions, demotions, transfers, lay-offs or reappointments of employees, the procedures applicable to the processing of grievances, the classification and job evaluation system, and the conditions applicable to leaves of absence for other than any elective public office or political activities or training and development.

4. Sections 8 and 9 of the said Act are repealed and the following substituted therefor: ss. 8, 9,
re-enacted

8.—(1) Where notice has been given under section 7 or 20, Mediation following consultation with the parties, the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, prescribe such mediation procedure as the Tribunal decides will be most effective to realize a collective agreement.

(2) In the exercise of its power under subsection 1, the Appointment Tribunal may appoint such person or persons as it may determine to be appropriate in order to give effect to the procedure prescribed by the Tribunal.

9. If a collective agreement is not realized pursuant to the procedure prescribed by the Tribunal within thirty days after the appointment of the person or persons under subsection 2 of section 8, or such longer period as the Tribunal may direct or the parties may agree upon, or if the Tribunal decides that the establishment of such procedure will not be effective, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided by a board of arbitration When
matters
may be
determined
by
arbitration
board in accordance with this Act.

5. Subsections 1 to 8 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (1-7),
re-enacted
s. 10 (8),
repealed

(1) Upon written notification by the Tribunal, each of the parties shall, within ten days of the notification, appoint to a board of arbitration a member who has indicated his willingness to act and shall each notify in writing the other party and the Tribunal of the name and address of the member so appointed.

(2) Where a party fails to appoint a member of a board within the period of ten days mentioned in subsection 1, Appointment
of members
of board
by parties the Tribunal shall appoint as a member such person as the Tribunal considers suitable.

(3) The two members so appointed shall, within five days after the appointment of the second of them, appoint a third person to act as chairman of the board of arbitration Appointment
of chairman

and shall notify the Tribunal of the name and address of the chairman, and where no chairman is agreed upon within such time, the members or either of them, shall notify the Tribunal which shall appoint the chairman.

Disqualification

(4) No person shall be appointed a member of a board who has any direct pecuniary interest in the matters coming before it or who is acting or has, within a period of six months immediately preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Vacancy

(5) Where a member appointed under subsection 1 or 2 ceases to act by reason of resignation, death or otherwise before the board has completed its work, the party whose point of view the member represented shall, within ten days of the member so ceasing to act, appoint a replacement and notify in writing the other party and the Tribunal of the name and address of the replacement, and where the party fails to so appoint a replacement or to notify the Tribunal, the Tribunal shall appoint as a replacement such person as the Tribunal considers suitable and the board of arbitration shall continue to function as if the replacement member were a member of the board from the beginning.

Chairman
unable to act

(6) Where the chairman of a board is unable to enter on or to carry on his duties so as to enable the board to render a decision within a reasonable time after its establishment, the Tribunal shall appoint a person to act as chairman in his place and the arbitration shall begin *de novo*.

Remuneration

(7) The chairman and the members of a board shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

 Continuance
of board
established
under
1972. c. 67

6. Where a board of arbitration established under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, has not completed its duties under that Act before the coming into force of this Act, the board of arbitration shall continue to exercise its powers and duties under that Act and the provisions of this Act, other than this section, shall not apply in respect of the Board.

 s. 11 (2) (c),
re-enacted

7. Clause *c* of subsection 2 of section 11 of the said Act is repealed and the following substituted therefor:

(c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications of employees; and

 s. 16 (2),
re-enacted

8. Subsection 2 of section 16 of the said Act is repealed and the following substituted therefor:



SECTION 6. The purpose of this amendment is to empower a board of arbitration to continue and complete any duties it had not completed. Similar authority for the Tribunal is contained in section 14 of the Bill.



SECTION 7. Subsection 2 of section 11 of the Act sets out factors to be considered by a board of arbitration. Clause *c* of the subsection is re-enacted to refer to "classifications of employees" rather than "classifications in the public service". The term "employee" is defined in the Act.

SECTION 8. Subsection 2 of section 16 of the Act provides that a board of arbitration shall not set the term of a collective agreement at less than two years. The subsection is re-enacted to remove this time requirement.

SECTION 9. Subsection 1 of section 17 of the Act, setting out the matters that are not the subject of collective bargaining, is re-enacted to remove the references to "job evaluation system" and "the principles and standards governing promotion, demotion, transfer, lay-off and reappointment", to include "suspension" and to provide that certain matters the employer has the right to determine will be subject to review with the bargaining agent.

Subsection 2 of section 17 of the Act is re-enacted to clarify the ground for grievance set out in clause *b* and to provide for final determination of grievances pursuant to new section 18 of the Act rather than pursuant to *The Public Service Act*.

Section 18 of the Act is re-enacted to refer to the Grievance Settlement Board, established under new section 18*a* of the Act, rather than to the Public Service Grievance Board established under *The Public Service Act*.

New section 18*a* of the Act provides for the establishment of the Grievance Settlement Board composed of a chairman, one or more vice-chairmen and an equal number of representatives of employees and the employer. The Board may sit in panels and is empowered to determine its own practice and procedure but must give full opportunity to the parties to any proceedings to present their evidence and make their submissions.

(2) If the parties fail to agree on the term of a collective agreement, the board shall determine its term of operation.

Where Board
to determine
term of
agreement

9. Sections 17 and 18 of the said Act are repealed and the following substituted therefor:

17.—(1) Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine,

(a) employment, appointment, complement, organization, assignment, discipline, dismissal, suspension, work methods and procedures, kinds and locations of equipment and classification of positions; and

(b) merit system, training and development, appraisal and superannuation, the governing principles of which are subject to review by the employer with the bargaining agent,

and such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

(2) In addition to any other rights of grievance under a collective agreement, an employee claiming,

(a) that his position has been improperly classified;

(b) that he has been appraised contrary to the governing principles and standards; or

(c) that he has been disciplined or dismissed or suspended from his employment without just cause,

may process such matter in accordance with the grievance procedure provided in the collective agreement, and failing final determination under such procedure, the matter may be processed in accordance with the procedure for final determination applicable under section 18.

18.—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Grievance Settlement Board and the Board after giving full opportunity to the parties to present their evidence and to make their submissions, shall

decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement.

Powers

(2) The Grievance Settlement Board has the same powers as a board of arbitration under subsections 12 and 13 of section 10.

Penalty where employee disciplined, etc.

(3) Where the Grievance Settlement Board determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Enforcement of arbitration decisions

(4) Where a party or an employee has failed to comply with any of the terms of the decision of the Grievance Settlement Board, any party or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Composition of Grievance Settlement Board

18a.—(1) There shall be a Grievance Settlement Board composed of a chairman, one or more vice-chairmen and an equal number, that shall be determined by the Lieutenant Governor in Council, of members representing the employees that are represented by a bargaining agent and members representing the employer.

Appointment of chairman and vice-chairman

(2) The Lieutenant Governor in Council shall appoint, for a term of not more than two years and may reappoint for one or more subsequent terms of not more than two years each, the chairman and the vice-chairman or vice-chairmen after requesting and considering the views, if any, of each bargaining agent.

Appointment of members

(3) The members who are representative of the employer shall be appointed by the Lieutenant Governor in Council and the members who are representative of the interests of employees shall be appointed by the Lieutenant Governor in Council after requesting and considering the views, if any, of each bargaining agent and such appointments shall be for a term of not more than two years and a member may be reappointed for one or more subsequent terms of not more than two years each.

Sittings of Grievance Settlement Board

(4) The Grievance Settlement Board may sit in two or more panels as decided and assigned by the chairman so long as a quorum is present in each panel.



SECTION 10. The section provides for the continuation of matters commenced before the enactment of this Bill.



(5) The chairman or a vice-chairman, one member representative of employee interest and one member representative of employer interest constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Grievance Settlement Board.

(6) The decision of a majority of the members present and constituting a quorum is the decision of the Grievance Settlement Board, and, if there is no majority, the decision of the chairman or vice-chairman governs.

(7) Where a member of the Grievance Settlement Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Grievance Settlement Board.

(8) The Grievance Settlement Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Grievance Settlement Board may, subject to the approval of the Lieutenant Governor in Council, make regulations governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

(9) The Lieutenant Governor in Council may appoint a registrar, such other officers and such staff and persons as are required for the purposes of the Grievance Settlement Board and they shall exercise such powers and perform such duties as are conferred upon them by the Grievance Settlement Board.

(10) The chairman, the vice-chairman or vice-chairmen and the members, the officers and staff of the Grievance Settlement Board shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

(11) The Grievance Settlement Board shall have an official seal.

(12) The office of the Grievance Settlement Board shall be in the City of Toronto, but the Grievance Settlement Board may sit at such other places as it considers expedient.



(1) Where any procedure has been commenced to process any matter referred to in subsection 2 of section 17 of *The R.S.O. 1970, c. 386*

Crown Employees Collective Bargaining Act, 1972, being chapter 67, in accordance with the procedures under *The Public Service Act* and the procedure is not completed before the coming into force of this Act, the procedures under *The Public Service Act* shall continue to apply in respect of the matter and the provisions of this Act, other than this section, shall not apply in respect of the matter.

Continuance
of matter
before Public
Service
Grievance
Board

- (2) Where the Public Service Grievance Board has not completed its duties in respect of any matter under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, before the coming into force of this Act, the Public Service Grievance Board shall continue to exercise its powers and duties under that Act in respect of the matter and the provisions of this Act, other than this section, shall not apply in respect of the Board and the matter.

s. 20.
amended

- 11.** Section 20 of the said Act is amended by adding thereto the following subsection:

Obligation
to bargain

(2) The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to renew the collective agreement.

s. 24.
re-enacted

- 12.** Section 24 of the said Act is repealed and the following substituted therefor:

Persuasion
at place
of work

24. No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization except as the employer and a bargaining agent may otherwise agree.

s. 36.
re-enacted

- 13.** Section 36 of the said Act is repealed and the following substituted therefor:

Tribunal
established

36.—(1) There is hereby established a tribunal to be known as the Ontario Public Service Labour Relations Tribunal.

Composition
of
Tribunal

(2) The Tribunal shall be composed of a chairman, one or more vice-chairmen and an equal number, that shall be determined by the Lieutenant Governor in Council, of members representing employees and members representing the employer.

Appointment
of chairman
and vice-
chairmen

(3) The Lieutenant Governor in Council shall appoint, for a term of not more than two years and may reappoint for one or more subsequent terms of not more than two years

[REDACTED] SECTION 11. The subsection is complementary to subsection 2 of section 7 of the Act. **[REDACTED]**

SECTION 12. Section 24 of the Act is re-enacted to provide an exception by agreement of the employer and a bargaining agent.

SECTION 13. Section 36 of the Act is re-enacted to change the composition of the Ontario Public Service Labour Relations Tribunal. The Tribunal is to be composed of a chairman, one or more vice-chairmen and an equal number of members representing the employees and the employer. The Tribunal is empowered to sit in divisions and to determine its own practice and procedure but must give full opportunity to the parties to any proceedings to present their evidence and make their submissions.

each, the chairman and the vice-chairman or vice-chairmen after requesting and considering the views, if any, of each bargaining agent.

(4) The members of the Tribunal who are representative of the employer shall be appointed by the Lieutenant Governor in Council and the members who are representative of the interests of employees shall be appointed by the Lieutenant Governor in Council after requesting and considering the views, if any, of each bargaining agent and such appointments shall be for a term of not more than two years and a member may be reappointed for one or more subsequent terms of not more than two years each.

(5) The Lieutenant Governor in Council shall designate one of the vice-chairmen as the alternate chairman.

(6) The chairman or, in the case of his absence from the office of the Tribunal or his inability to act, the alternate chairman shall from time to time assign the members of the Tribunal to its various divisions and may change any such assignment at any time.

(7) Vacancies in the membership of the Tribunal from any cause may be filled by the Lieutenant Governor in Council after requesting and considering the views, if any, of representatives of each bargaining agent.

(8) Where the chairman, a vice-chairman or a member of the Tribunal resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not resigned in connection with any matter in respect of which there was any proceeding in which he participated as the chairman, a vice-chairman or a member of the Tribunal.

(9) The chairman, each vice-chairman and each member of the Tribunal shall, before entering upon his duties, take and subscribe before the Clerk of the Executive Council and file in the office of the Clerk an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of chairman, (or vice-chairman, or member) of the Ontario Public Service Labour Relations Tribunal and I will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Tribunal. So help me God.

(10) The chairman or a vice-chairman, one member representative of the employer and one member representative of employees constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Tribunal.

Sittings

(11) The Tribunal may sit in two or more divisions as decided and assigned by the chairman so long as a quorum is present in each division.

Decision

(12) A decision of the majority of the members of the Tribunal present and constituting a quorum is the decision of the Tribunal, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs.

Procedure

(13) The Tribunal shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

Appointment
of officers

(14) The Lieutenant Governor in Council may appoint a registrar, such other officers and such staff and persons as are required for the purposes of the Tribunal and they shall exercise such powers and perform such duties as are conferred or imposed upon them by the Tribunal.

Remunera-
tion

(15) The chairman, vice-chairman or vice-chairmen and the members, officers and staff of the Tribunal shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

Official
seal

(16) The Tribunal shall have an official seal.

Office and
sittings

(17) The office of the Tribunal shall be in the City of Toronto, but the Tribunal may sit at such other places as it considers expedient.

Hearing
under
1972, c. 67

14. Where the Ontario Public Service Labour Relations Tribunal, established under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, proposed to hold or commenced but did not complete a matter or did not make a decision or declaration thereon, immediately before this section comes into force, the matter shall be continued by the Tribunal and the Tribunal shall continue and complete the matter and make a decision or declaration thereon that shall be effective for all purposes under *The Crown Employees Collective Bargaining Act, 1972*.

s. 38,
amended

15. Section 38 of the said Act is amended by adding thereto the following subsection:

Question
as to
bargaining
authority

(2) If, in the course of bargaining for a collective agreement or during proceedings before a board of arbitration,

SECTION 14. The section provides for the continuation by the former Tribunal of matters not completed by it.

SECTION 15. Subsection 2 of section 38 of the Act is enacted to provide that either party or a board of arbitration may refer to the Tribunal a question as to whether any matter comes within the scope of collective bargaining under the Act.

SECTION 16. The new clause *c* combines the former clauses *c* and *d* and, complementary to the re-enactment of section 36 of the Act, removes the reference to an adjudicator.

SECTION 17. The re-enactment of section 47 of the Act, complementary to the enactment of section 18*a* of the Act, replaces a reference to the Public Service Grievance Board with a reference to the Grievance Settlement Board.

SECTION 18. Subsection 5 of section 49 of the Act, relating to the competency and compellability of a board of arbitration in court proceedings, is re-enacted to mention the Grievance Settlement Board.

SECTION 19. Section 49*a* of the Act provides for recognition of a change in the name of a bargaining agent by way of application to and a declaration by the Tribunal.

Section 49*b* of the Act relates to successor rights as bargaining agent where there is a merger or transfer of jurisdiction. The section provides that an employee organization may apply to the Tribunal for recognition as the successor bargaining agent and for the Tribunal to conduct a vote of employees. The Tribunal may make an inquiry and may then dismiss the application or direct that a vote be taken. Where more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal is required to declare that the employee organization has acquired representation rights as the successor bargaining agent.

Section 49*c* of the Act relates to bargaining rights where two or more bargaining units are merged or employees are transferred from a bargaining unit into another bargaining unit or into a unit of employees for which there is no bargaining agent. The section provides for an application to the Tribunal by an affected bargaining agent. Following an inquiry, the Tribunal is required, where it determines that a bargaining agent represents not less than 35 per cent of the employees in the unit, to direct that a representation vote be taken. Where more than 50 per cent of the ballots cast are in favour of a bargaining agent, the Tribunal is required to determine that the bargaining agent has acquired or retained representation rights as bargaining agent of the employees in the bargaining unit. The section also provides that an employee organization that is declared to retain representation rights continues to be bound by its collective agreement with the employer and, where an application is made under the section, the employer is not required to bargain concerning the employees to whom the application relates, until the Tribunal has disposed of the application.

a question arises as to whether a matter comes within the scope of collective bargaining under this Act, either party or the board of arbitration may refer the question to the Tribunal and its decision thereon is final and binding for all purposes.

- 16.** Clauses *c* and *d* of subsection 1 of section 39 of the said Act <sup>s. 39 (1) (c),
re-enacted;
s. 39 (1) (d),
repealed</sup> are repealed and the following substituted therefor:

(c) to authorize any persons to do anything that the Tribunal may do under clauses *a* and *b* and to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon.

- 17.** Section 47 of the said Act is repealed and the following substituted therefor: <sup>s. 47,
re-enacted</sup>

47. No chairman, vice-chairman or member of the Tribunal or of a board or of the Grievance Settlement Board and no person appointed thereby shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act. <sup>Testimony
in civil suit</sup>

- 18.** Subsection 5 of section 49 of the said Act is repealed and the following substituted therefor: <sup>s. 49 (5),
re-enacted</sup>

(5) The chairman, vice-chairman or vice-chairmen or any member of the Tribunal or of a board or of the Grievance Settlement Board is not a competent or compellable witness in proceedings before a court or other tribunal respecting, ^{Idem}

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him; or
- (c) any statement made by him,

in the course of his duties under this Act.

- 19.** The said Act is further amended by adding thereto the following sections: <sup>ss. 49a-49c,
enacted</sup>

49a. Where, upon an application by a bargaining agent for recognition of a change in the name of the bargaining agent, the Tribunal is satisfied that the change has been made in conformity with the charter or constitution of the <sup>Change of
name of
bargaining
agent</sup>

employee organization, the Tribunal shall make an affirmative declaration and the bargaining agent shall be conclusively presumed to have retained all rights, privileges, duties and obligations whether under a collective agreement or otherwise, and the employer and the employees concerned shall recognize such status in all respects.

**Application
for successor
bargaining
rights**

49b.—(1) Where an employee organization claims that by reason of a merger or a transfer of jurisdiction it is the successor of a bargaining agent, the employee organization may, notwithstanding the provisions of subsections 2 and 3 of section 2 and subsection 1 of section 19, make application to the Tribunal for recognition as the successor bargaining agent and for the Tribunal to conduct a vote of employees to determine if they are in favour of the employee organization being granted representation rights as the successor bargaining agent for the bargaining unit concerned.

**Tribunal
inquiry**

(2) The Tribunal may make such inquiry, including requiring the production of such evidence and the doing of such things, as it may consider appropriate.

Vote

(3) Following its inquiry under subsection 2, the Tribunal may dismiss the application or direct that a vote be taken of the employees in the bargaining unit to determine whether they favour the employee organization being granted representation rights as the successor bargaining agent.

**Declaration
of successor
rights**

(4) Where, on the taking of a vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal shall declare that the employee organization has acquired representation rights as successor bargaining agent of the employees in the bargaining unit.

**Status of
successor
bargaining
agent**

(5) Where the Tribunal makes an affirmative declaration under subsection 4, the successor bargaining agent shall for the purposes of this Act be conclusively presumed to have acquired the rights, privileges, duties and obligations of its predecessor whether under a collective agreement or otherwise, and the employer, the successor bargaining agent and the employees concerned shall recognize such status in all respects.

**Bargaining
rights on
merger of
units or
creation of
new unit**

49c.—(1) Where two or more existing bargaining units are merged either partially or completely, or where employees represented by a bargaining agent are transferred into a bargaining unit represented by another bargaining agent or into a unit of employees for which there is no bargaining agent, the Tribunal, on the application to it by a bargaining

agent affected, may make such inquiry, including requiring the production of such evidence and the doing of such things as it may consider appropriate.

(2) Where, following the inquiry under subsection 1, the Tribunal determines that the merged or enlarged unit of employees is appropriate for collective bargaining purposes and is satisfied that more than 50 per cent of the employees in the merged or enlarged unit of employees are members of a bargaining agent and that application has not been made by another bargaining agent affected and representing 35 per cent or more of the employees, as members, in the merged or enlarged unit of employees, it shall determine that the bargaining agent has acquired or retained, as the case may be, representation rights as the bargaining agent of the employees in the bargaining unit concerned. Declaration of successor rights

(3) Where, following the inquiry under subsection 1, the Tribunal determines that the merged or enlarged unit of employees is appropriate for collective bargaining purposes and is satisfied that a bargaining agent represents not less than 35 per cent and not more than 50 per cent, of the employees in the merged or enlarged unit of employees as members, it shall direct that a representation vote be taken. Representation vote

(4) Where an employee organization is declared to be the bargaining agent under subsection 3 and it is not already bound by a collective agreement with the employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 7. Notice to bargain

(5) Where the employee organization is declared to retain representation rights by the Tribunal it shall continue to be bound by the collective agreement with the employer with respect to the employees for whom it is declared to be the bargaining agent. Successor bound by existing agreement

(6) Where an application is made under this section, notwithstanding that a notice has been given by an employee organization, the employer is not required to bargain with that employee organization concerning the employees to whom the application relates until the Tribunal has disposed of the application and has declared which employee organization, if any, has the right to bargain with the employer on behalf of the employees concerned in the application. Employer not required to bargain pending Tribunal decision

Bargaining
rights of
successor
bargaining
agent

s. 51 (c),
repealed

Commencement

Short title

(7) A declaration made by the Tribunal under subsection 3 has the same effect as the granting of representation rights under subsection 2 of section 4, except as provided in subsection 5 of this section.

- 20.** Clause *c* of section 51 of the said Act is repealed.
- 21.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
- 22.** This Act may be cited as *The Crown Employees Collective Bargaining Amendment Act, 1974*.

SECTION 20. The amendment is complementary to subsection 7 of new section 10 of the Act, subsection 10 of new section 18*a* of the Act and subsection 15 of new section 36 of the Act.

An Act to amend
The Crown Employees Collective
Bargaining Act, 1972

1st Reading

December 12th, 1974

2nd Reading

January 30th, 1975

3rd Reading

THE HON. E. A. WINKLER
Chairman, Management Board
of Cabinet

(Reprinted as amended by the
Social Development Committee)

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BILL 179

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The Crown Employees Collective Bargaining Act, 1972

THE HON. E. A. WINKLER
Chairman, Management Board of Cabinet



TORONTO

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BILL 179**1974**

**An Act to amend
The Crown Employees Collective
Bargaining Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *a* of subsection 1 of section 1 of *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, is repealed.
- (2) Subclauses *v* and *viii* of clause *g* of subsection 1 of the said section 1 are repealed and the following substituted therefor:
 - (v) a student employed during the student's regular vacation period or on a co-operative educational training program or a person not ordinarily required to work more than one-third of the normal period for persons performing similar work except where the person works on a regular and continuing basis,
 - (viii) a person employed in the office of the Provincial Auditor.
- (3) Clause *g* of subsection 1 of the said section 1 is amended by striking out "or" at the end of subclause *vii*, by adding "or" at the end of subclause *viii* and by adding thereto the following subclause:
 - (ix) a person employed by or under the Tribunal or the Grievance Settlement Board.

s. 1 (1) (o),
repealed

(4) Clause o of subsection 1 of the said section 1 is repealed.

s. 4a,
enacted

2. The said Act is amended by adding thereto the following section:

Pre-hearing
vote

4a.—(1) Upon an application for representation rights, the employee organization may request that a pre-hearing representation vote be taken.

Voting
constituency

(2) Upon such a request being made, the Tribunal may, subject to subsection 2 of section 3, determine a voting constituency and, if it appears to the Tribunal on an examination of the records of the employee organization and the records of the employer that not less than 35 per cent of the employees in the voting constituency are members of the employee organization at the time the application was made, the Tribunal may direct that a representation vote be taken among the employees in the voting constituency.

Sealing of
ballot boxes

(3) The Tribunal shall direct that the ballot box containing the ballots cast in a representation vote taken under subsection 2 shall be sealed and that the ballots shall not be counted until the parties have been given full opportunity to present their evidence and make their submissions.

Effect
of vote

(4) After a representation vote has been taken under subsection 2, the Tribunal shall determine the unit of employees that is appropriate for collective bargaining and, if it is satisfied that not less than 35 per cent of the employees in the bargaining unit are members of the employee organization at the time the application was made, the representation vote taken under subsection 2 shall be deemed to be a representation vote taken under subsection 2 of section 4.

s. 6,
re-enacted

3. Section 6 of the said Act is repealed and the following substituted therefor:

Bargaining
authority

6. Upon being granted representation rights, the employee organization is authorized to bargain with the employer on terms and conditions of employment, except as to matters that are exclusively the function of the employer under subsection 1 of section 17, and, without limiting the generality of the foregoing, including rates of remuneration, hours of work, overtime and other premium allowance for work performed, the mileage rate payable to an employee for miles travelled when he is required to use his own automobile on the employer's business, benefits pertaining to time not worked by employees including paid holidays, paid vaca-

tions, group life insurance, health insurance and long-term income protection insurance, promotions, demotions, transfers, lay-offs or reappointments of employees, the procedures applicable to the processing of grievances, the classification and job evaluation system, and the conditions applicable to leaves of absence for other than any elective public office or political activities or training and development.

- 4.** Sections 8 and 9 of the said Act are repealed and the following substituted therefor: ss. 8, 9,
re-enacted

8.—(1) Where notice has been given under section 7 or 20, Mediation following consultation with the parties, the Tribunal may, when advised in writing by either party that the parties are unable to reach agreement, prescribe such mediation procedure as the Tribunal decides will be most effective to realize a collective agreement.

(2) In the exercise of its power under subsection 1, the Appointment Tribunal may appoint such person or persons as it may determine to be appropriate in order to give effect to the procedure prescribed by the Tribunal.

9. If a collective agreement is not realized pursuant to When
matters
may be
determined
by
arbitration
board the procedure prescribed by the Tribunal within thirty days after the appointment of the person or persons under subsection 2 of section 8, or such longer period as the Tribunal may direct or the parties may agree upon, or if the Tribunal decides that the establishment of such procedure will not be effective, all matters in dispute coming within the scope of collective bargaining under this Act shall be decided by a board of arbitration in accordance with this Act.

- 5.** Subsections 1 to 8 of section 10 of the said Act are repealed and the following substituted therefor: s. 10 (1-7),
re-enacted
s. 10 (8),
repealed

(1) Upon written notification by the Tribunal, each of the parties shall, within ten days of the notification, appoint to a board of arbitration a member who has indicated his willingness to act and shall each notify in writing the other party and the Tribunal of the name and address of the member so appointed. Appointment
of members
of board
by parties

(2) Where a party fails to appoint a member of a board within the period of ten days mentioned in subsection 1, the Tribunal shall appoint as a member such person as the Tribunal considers suitable. Appointment
by Tribunal
upon failure
of party to
appoint
representa-
tive

(3) The two members so appointed shall, within five days after the appointment of the second of them, appoint a third person to act as chairman of the board of arbitration Appointment
of chairman

and shall notify the Tribunal of the name and address of the chairman, and where no chairman is agreed upon within such time, the members or either of them, shall notify the Tribunal which shall appoint the chairman.

Disqualification

(4) No person shall be appointed a member of a board who has any direct pecuniary interest in the matters coming before it or who is acting or has, within a period of six months immediately preceding the date of his appointment, acted as solicitor, counsel or agent of either of the parties.

Vacancy

(5) Where a member appointed under subsection 1 or 2 ceases to act by reason of resignation, death or otherwise before the board has completed its work, the party whose point of view the member represented shall, within ten days of the member so ceasing to act, appoint a replacement and notify in writing the other party and the Tribunal of the name and address of the replacement, and where the party fails to so appoint a replacement or to notify the Tribunal, the Tribunal shall appoint as a replacement such person as the Tribunal considers suitable and the board of arbitration shall continue to function as if the replacement member were a member of the board from the beginning.

Chairman
unable to act

(6) Where the chairman of a board is unable to enter on or to carry on his duties so as to enable the board to render a decision within a reasonable time after its establishment, the Tribunal shall appoint a person to act as chairman in his place and the arbitration shall begin *de novo*.

Remuneration

(7) The chairman and the members of a board shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

Continuance
of board
established
under
1972, c. 67

6. Where a board of arbitration established under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, has not completed its duties under that Act before the coming into force of this Act, the board of arbitration shall continue to exercise its powers and duties under that Act and the provisions of this Act, other than this section, shall not apply in respect of the Board.

s. 11 (2) (c),
re-enacted

7. Clause *c* of subsection 2 of section 11 of the said Act is repealed and the following substituted therefor:

(c) the desirability to maintain appropriate relationships in the conditions of employment as between classifications of employees; and

s. 16 (2),
re-enacted

8. Subsection 2 of section 16 of the said Act is repealed and the following substituted therefor:

(2) If the parties fail to agree on the term of a collective agreement, the board shall determine its term of operation.

Where Board
to determine
term of
agreement

9. Sections 17 and 18 of the said Act are repealed and the following substituted therefor:

17.—(1) Every collective agreement shall be deemed to provide that it is the exclusive function of the employer to manage, which function, without limiting the generality of the foregoing, includes the right to determine,

- (a) employment, appointment, complement, organization, assignment, discipline, dismissal, suspension, work methods and procedures, kinds and locations of equipment and classification of positions; and
- (b) merit system, training and development, appraisal and superannuation, the governing principles of which are subject to review by the employer with the bargaining agent,

and such matters will not be the subject of collective bargaining nor come within the jurisdiction of a board.

(2) In addition to any other rights of grievance under a collective agreement, an employee claiming,

- (a) that his position has been improperly classified;
- (b) that he has been appraised contrary to the governing principles and standards; or
- (c) that he has been disciplined or dismissed or suspended from his employment without just cause,

may process such matter in accordance with the grievance procedure provided in the collective agreement, and failing final determination under such procedure, the matter may be processed in accordance with the procedure for final determination applicable under section 18.

18.—(1) Every collective agreement shall be deemed to provide that in the event the parties are unable to effect a settlement of any differences between them arising from the interpretation, application, administration or alleged contravention of the agreement, including any question as to whether a matter is arbitrable, such matter may be referred for arbitration to the Grievance Settlement Board and the Board after giving full opportunity to the parties to present their evidence and to make their submissions, shall

ss. 17, 18,
re-enacted

Functions of
employer

decide the matter and its decision is final and binding upon the parties and the employees covered by the agreement.

Powers

(2) The Grievance Settlement Board has the same powers as a board of arbitration under subsections 12 and 13 of section 10.

Penalty where employee disciplined, etc.

(3) Where the Grievance Settlement Board determines that a disciplinary penalty or dismissal of an employee is excessive, it may substitute such other penalty for the discipline or dismissal as it considers just and reasonable in all the circumstances.

Enforcement of arbitration decisions

(4) Where a party or an employee has failed to comply with any of the terms of the decision of the Grievance Settlement Board, any party or employee affected by the decision may, after the expiration of fourteen days from the date of the release of the decision or the date provided in the decision for compliance, whichever is later, file in the office of the Registrar of the Supreme Court a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such.

Composition of Grievance Settlement Board

18a.—(1) There shall be a Grievance Settlement Board composed of a chairman, one or more vice-chairmen and an equal number, that shall be determined by the Lieutenant Governor in Council, of members representing the employees that are represented by a bargaining agent and members representing the employer.

Appointment of chairman and vice-chairman

(2) The Lieutenant Governor in Council shall appoint, for a term of not more than two years and may reappoint for one or more subsequent terms of not more than two years each, the chairman and the vice-chairman or vice-chairmen after requesting and considering the views, if any, of each bargaining agent.

Appointment of members

(3) The members who are representative of the employer shall be appointed by the Lieutenant Governor in Council and the members who are representative of the interests of employees shall be appointed by the Lieutenant Governor in Council after requesting and considering the views, if any, of each bargaining agent and such appointments shall be for a term of not more than two years and a member may be reappointed for one or more subsequent terms of not more than two years each.

Sittings of Grievance Settlement Board

(4) The Grievance Settlement Board may sit in two or more panels as decided and assigned by the chairman so long as a quorum is present in each panel.

(5) The chairman or a vice-chairman, one member representative of employee interest and one member representative of employer interest constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Grievance Settlement Board.

(6) The decision of a majority of the members present and constituting a quorum is the decision of the Grievance Settlement Board, and, if there is no majority, the decision of the chairman or vice-chairman governs.

(7) Where a member of the Grievance Settlement Board resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not ceased to be a member in connection with any matter in respect of which there was any proceeding in which he participated as a member of the Grievance Settlement Board.

(8) The Grievance Settlement Board shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Grievance Settlement Board may, subject to the approval of the Lieutenant Governor in Council, make regulations governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.

(9) The Lieutenant Governor in Council may appoint a registrar, such other officers and such staff and persons as are required for the purposes of the Grievance Settlement Board and they shall exercise such powers and perform such duties as are conferred upon them by the Grievance Settlement Board.

(10) The chairman, the vice-chairman or vice-chairmen and the members, the officers and staff of the Grievance Settlement Board shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.

(11) The Grievance Settlement Board shall have an official seal.

(12) The office of the Grievance Settlement Board shall be in the City of Toronto, but the Grievance Settlement Board may sit at such other places as it considers expedient.

10.—(1) Where any procedure has been commenced to process any matter referred to in subsection 2 of section 17 of *The R.S.O. 1970, c. 386*

Crown Employees Collective Bargaining Act, 1972, being chapter 67, in accordance with the procedures under *The Public Service Act* and the procedure is not completed before the coming into force of this Act, the procedures under *The Public Service Act* shall continue to apply in respect of the matter and the provisions of this Act, other than this section, shall not apply in respect of the matter.

Continuance
of matter
before Public
Service
Grievance
Board

- (2) Where the Public Service Grievance Board has not completed its duties in respect of any matter under *The Crown Employees Collective Bargaining Act, 1972*, being chapter 67, before the coming into force of this Act, the Public Service Grievance Board shall continue to exercise its powers and duties under that Act in respect of the matter and the provisions of this Act, other than this section, shall not apply in respect of the Board and the matter.

s. 20,
amended

- 11.** Section 20 of the said Act is amended by adding thereto the following subsection:

Obligation
to bargain

(2) The parties shall meet within fifteen days from the giving of the notice or within such further period as the parties agree upon and they shall bargain in good faith and make every reasonable effort to renew the collective agreement.

s. 24,
re-enacted

- 12.** Section 24 of the said Act is repealed and the following substituted therefor:

Persuasion
at place
of work

24. No person shall attempt at the employee's place of employment to persuade him to become or refrain from becoming a member of an employee organization except as the employer and a bargaining agent may otherwise agree.

s. 36,
re-enacted

- 13.** Section 36 of the said Act is repealed and the following substituted therefor:

Tribunal
established

36.—(1) There is hereby established a tribunal to be known as the Ontario Public Service Labour Relations Tribunal.

Composition
of
Tribunal

(2) The Tribunal shall be composed of a chairman, one or more vice-chairmen and an equal number, that shall be determined by the Lieutenant Governor in Council, of members representing employees and members representing the employer.

Appointment
of chairman
and vice-
chairmen

(3) The Lieutenant Governor in Council shall appoint, for a term of not more than two years and may reappoint for one or more subsequent terms of not more than two years

each, the chairman and the vice-chairman or vice-chairmen after requesting and considering the views, if any, of each bargaining agent.

(4) The members of the Tribunal who are representative of the employer shall be appointed by the Lieutenant Governor in Council and the members who are representative of the interests of employees shall be appointed by the Lieutenant Governor in Council after requesting and considering the views, if any, of each bargaining agent and such appointments shall be for a term of not more than two years and a member may be reappointed for one or more subsequent terms of not more than two years each.

(5) The Lieutenant Governor in Council shall designate one of the vice-chairmen as the alternate chairman.

(6) The chairman or, in the case of his absence from the office of the Tribunal or his inability to act, the alternate chairman shall from time to time assign the members of the Tribunal to its various divisions and may change any such assignment at any time.

(7) Vacancies in the membership of the Tribunal from any cause may be filled by the Lieutenant Governor in Council after requesting and considering the views, if any, of representatives of each bargaining agent.

(8) Where the chairman, a vice-chairman or a member of the Tribunal resigns, he may carry out and complete any duties or responsibilities and exercise any powers that he would have had if he had not resigned in connection with any matter in respect of which there was any proceeding in which he participated as the chairman, a vice-chairman or a member of the Tribunal.

(9) The chairman, each vice-chairman and each member of the Tribunal shall, before entering upon his duties, take and subscribe before the Clerk of the Executive Council and file in the office of the Clerk an oath of office in the following form:

I do solemnly swear that I will faithfully, truly and impartially, to the best of my judgment, skill and ability, execute and perform the office of chairman, (or vice-chairman, or member) of the Ontario Public Service Labour Relations Tribunal and I will not, except in the discharge of my duties, disclose to any person any of the evidence or any other matter brought before the Tribunal. So help me God.

(10) The chairman or a vice-chairman, one member representative of the employer and one member representative of employees constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Tribunal.

Sittings	(11) The Tribunal may sit in two or more divisions as decided and assigned by the chairman so long as a quorum is present in each division.
Decision	(12) A decision of the majority of the members of the Tribunal present and constituting a quorum is the decision of the Tribunal, but, if there is no majority, the decision of the chairman or vice-chairman presiding governs.
Procedure	(13) The Tribunal shall determine its own practice and procedure but shall give full opportunity to the parties to any proceedings to present their evidence and to make their submissions, and the Tribunal may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers and prescribing such forms as are considered advisable.
Appointment of officers	(14) The Lieutenant Governor in Council may appoint a registrar, such other officers and such staff and persons as are required for the purposes of the Tribunal and they shall exercise such powers and perform such duties as are conferred or imposed upon them by the Tribunal.
Remuneration	(15) The chairman, vice-chairman or vice-chairmen and the members, officers and staff of the Tribunal shall be paid such remuneration and allowance for expenses as the Lieutenant Governor in Council may determine.
Official seal	(16) The Tribunal shall have an official seal.
Office and sittings	(17) The office of the Tribunal shall be in the City of Toronto, but the Tribunal may sit at such other places as it considers expedient.
Hearing under 1972, c. 67	<p>14. Where the Ontario Public Service Labour Relations Tribunal, established under <i>The Crown Employees Collective Bargaining Act, 1972</i>, being chapter 67, proposed to hold or commenced but did not complete a matter or did not make a decision or declaration thereon, immediately before this section comes into force, the matter shall be continued by the Tribunal and the Tribunal shall continue and complete the matter and make a decision or declaration thereon that shall be effective for all purposes under <i>The Crown Employees Collective Bargaining Act, 1972</i>.</p>
s. 38, amended	<p>15. Section 38 of the said Act is amended by adding thereto the following subsection:</p> <p>(2) If, in the course of bargaining for a collective agreement or during proceedings before a board of arbitration,</p>
Question as to bargaining authority	

a question arises as to whether a matter comes within the scope of collective bargaining under this Act, either party or the board of arbitration may refer the question to the Tribunal and its decision thereon is final and binding for all purposes.

- 16.** Clauses *c* and *d* of subsection 1 of section 39 of the said Act <sup>s. 39 (1) (c),
re-enacted
s. 39 (1) (d),
repealed</sup> are repealed and the following substituted therefor:

(c) to authorize any persons to do anything that the Tribunal may do under clauses *a* and *b* and to inquire into any application, request, complaint, matter or thing within the jurisdiction of the Tribunal, or any part of any of them, and to report to the Tribunal thereon.

- 17.** Section 47 of the said Act is repealed and the following substituted therefor: <sup>s. 47,
re-enacted</sup>

47. No chairman, vice-chairman or member of the Tribunal or of a board or of the Grievance Settlement Board and no person appointed thereby shall be required to give evidence in any civil action, suit or other proceeding respecting information obtained in the discharge of his duties under this Act. <sup>Testimony
in civil suit</sup>

- 18.** Subsection 5 of section 49 of the said Act is repealed and the following substituted therefor: <sup>s. 49 (5),
re-enacted</sup>

(5) The chairman, vice-chairman or vice-chairmen or any member of the Tribunal or of a board or of the Grievance Settlement Board is not a competent or compellable witness in proceedings before a court or other tribunal respecting, ^{Idem}

- (a) any information or material furnished to or received by him;
- (b) any evidence or representation submitted to him; or
- (c) any statement made by him,

in the course of his duties under this Act.

- 19.** The said Act is further amended by adding thereto the following sections: <sup>ss. 49a-49c,
enacted</sup>

49a. Where, upon an application by a bargaining agent for recognition of a change in the name of the bargaining agent, the Tribunal is satisfied that the change has been made in conformity with the charter or constitution of the <sup>Change of
name of
bargaining
agent</sup>

employee organization, the Tribunal shall make an affirmative declaration and the bargaining agent shall be conclusively presumed to have retained all rights, privileges, duties and obligations whether under a collective agreement or otherwise, and the employer and the employees concerned shall recognize such status in all respects.

**Application
for successor
bargaining
rights**

49b.—(1) Where an employee organization claims that by reason of a merger or a transfer of jurisdiction it is the successor of a bargaining agent, the employee organization may, notwithstanding the provisions of subsections 2 and 3 of section 2 and subsection 1 of section 19, make application to the Tribunal for recognition as the successor bargaining agent and for the Tribunal to conduct a vote of employees to determine if they are in favour of the employee organization being granted representation rights as the successor bargaining agent for the bargaining unit concerned.

**Tribunal
inquiry**

(2) The Tribunal may make such inquiry, including requiring the production of such evidence and the doing of such things, as it may consider appropriate.

Vote

(3) Following its inquiry under subsection 2, the Tribunal may dismiss the application or direct that a vote be taken of the employees in the bargaining unit to determine whether they favour the employee organization being granted representation rights as the successor bargaining agent.

**Declaration
of successor
rights**

(4) Where, on the taking of a vote, more than 50 per cent of the ballots cast are in favour of the employee organization, the Tribunal shall declare that the employee organization has acquired representation rights as successor bargaining agent of the employees in the bargaining unit.

**Status of
successor
bargaining
agent**

(5) Where the Tribunal makes an affirmative declaration under subsection 4, the successor bargaining agent shall for the purposes of this Act be conclusively presumed to have acquired the rights, privileges, duties and obligations of its predecessor whether under a collective agreement or otherwise, and the employer, the successor bargaining agent and the employees concerned shall recognize such status in all respects.

**Bargaining
rights on
merger of
units or
creation of
new unit**

49c.—(1) Where two or more existing bargaining units are merged either partially or completely, or where employees represented by a bargaining agent are transferred into a bargaining unit represented by another bargaining agent or into a unit of employees for which there is no bargaining agent, the Tribunal, on the application to it by a bargaining

agent affected, may make such inquiry, including requiring the production of such evidence and the doing of such things as it may consider appropriate.

(2) Where, following the inquiry under subsection 1, the Tribunal determines that the merged or enlarged unit of employees is appropriate for collective bargaining purposes and is satisfied that more than 50 per cent of the employees in the merged or enlarged unit of employees are members of a bargaining agent and that application has not been made by another bargaining agent affected and representing 35 per cent or more of the employees, as members, in the merged or enlarged unit of employees, it shall determine that the bargaining agent has acquired or retained, as the case may be, representation rights as the bargaining agent of the employees in the bargaining unit concerned.

(3) Where, following the inquiry under subsection 1, the Tribunal determines that the merged or enlarged unit of employees is appropriate for collective bargaining purposes and is satisfied that a bargaining agent represents not less than 35 per cent and not more than 50 per cent, of the employees in the merged or enlarged unit of employees as members, it shall direct that a representation vote be taken.

(4) Where an employee organization is declared to be the bargaining agent under subsection 3 and it is not already bound by a collective agreement with the employer with respect to the employees for whom it is declared to be the bargaining agent, it is entitled to give to the employer a written notice of its desire to bargain with a view to making a collective agreement, and such notice has the same effect as a notice under section 7.

(5) Where the employee organization is declared to retain representation rights by the Tribunal it shall continue to be bound by the collective agreement with the employer with respect to the employees for whom it is declared to be the bargaining agent.

(6) Where an application is made under this section, notwithstanding that a notice has been given by an employee organization, the employer is not required to bargain with that employee organization concerning the employees to whom the application relates until the Tribunal has disposed of the application and has declared which employee organization, if any, has the right to bargain with the employer on behalf of the employees concerned in the application.

Bargaining
rights of
successor
bargaining
agent

(7) A declaration made by the Tribunal under subsection 3 has the same effect as the granting of representation rights under subsection 2 of section 4, except as provided in subsection 5 of this section.

s. 51 (c),
repealed

20. Clause c of section 51 of the said Act is repealed.

Commencement

21. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

22. This Act may be cited as *The Crown Employees Collective Bargaining Amendment Act, 1974*.

An Act to amend
The Crown Employees Collective
Bargaining Act, 1972

1st Reading

December 12th, 1974

2nd Reading

January 30th, 1975

3rd Reading

February 14th, 1975

THE HON. E. A. WINKLER
Chairman, Management Board
of Cabinet

CA2ON

XB

-B56

BILL 180

Government Bill

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly
**An Act to establish
the Ministry of Culture and Recreation**

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to establish the Ministry of Culture and Recreation to carry out the functions set out in the Bill.



BILL 180**1974**

**An Act to establish
the Ministry of Culture and Recreation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Culture and Recreation;
- (b) "Minister" means the Minister of Culture and Recreation;
- (c) "Ministry" means the Ministry of Culture and Recreation.

2. There shall be a ministry of the public service to be known as the Ministry of Culture and Recreation. Ministry established

3. The Minister shall preside over and have charge of the Ministry. Minister to have charge

4. The Minister is responsible for the administration of this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council. Duties of Minister of Culture and Recreation

5.—(1) The Lieutenant Governor in Council shall appoint a Deputy Minister of Culture and Recreation who shall be the deputy head of the Ministry. Deputy Minister of Culture and Recreation

(2) Such officers and employees as are required from time to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act*. Staff R.S.O. 1970,
c. 386

(3) No action or other proceeding for damages shall be instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority Protection from personal liability

for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

**Liability
of Crown**

R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted.

**Function of
Ministry**

6.—(1) It is the function of the Ministry to advance and encourage responsible citizenship through the process of cultural and recreational development, including,

- (a) preserving and maintaining the cultural heritage of residents of Ontario with full recognition of their diverse traditions and backgrounds;
- (b) promoting access to the benefits of citizenship and of active involvement in the cultural and recreational life of the Province; and
- (c) stimulating the development of new forms of cultural expression and promoting the concept of individual and community excellence.

Idem

(2) In addition to the functions of the Ministry mentioned in subsection 1, the Minister shall perform such functions and duties as are assigned to him from time to time by the Lieutenant Governor in Council.

Seal

7.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

**Delegation
of powers
and duties**

8. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

9. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish ^{Advisory committees} advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report ^{Annual report} upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

11. The expenditures of the Ministry for the fiscal year ending the 31st day of March, 1975, as approved by the Lieutenant Governor in Council, shall be paid out of the Consolidated Revenue Fund and thereafter the expenditures of the Ministry shall be paid out of the moneys appropriated therefor by the Legislature. ^{Moneys required by Ministry}

12. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. ^{Commencement}

13. This Act may be cited as *The Ministry of Culture and Recreation Act, 1974.* ^{Short title}

An Act to establish
the Ministry of Culture
and Recreation

1st Reading

December 17th, 1974

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(*Government Bill*)

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-B 56

BILL 180

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Leinster Ascent

An Act to establish
the Ministry of Culture and Recreation

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 180**1974**

**An Act to establish
the Ministry of Culture and Recreation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Deputy Minister" means the Deputy Minister of Culture and Recreation;
- (b) "Minister" means the Minister of Culture and Recreation;
- (c) "Ministry" means the Ministry of Culture and Recreation.

2. There shall be a ministry of the public service to be ^{Ministry established} known as the Ministry of Culture and Recreation.

3. The Minister shall preside over and have charge of the ^{Minister to have charge} Ministry.

4. The Minister is responsible for the administration of ^{Duties of} ^{Minister of} ^{Culture and} ^{Recreation} this Act and any Acts that are assigned to him by the Legislature or by the Lieutenant Governor in Council.

5.—(1) The Lieutenant Governor in Council shall appoint ^{Deputy} ^{Minister of} ^{Culture and} ^{Recreation} a Deputy Minister of Culture and Recreation who shall be the deputy head of the Ministry.

(2) Such officers and employees as are required from time ^{Staff} to time for the proper conduct of the business of the Ministry may be appointed under *The Public Service Act.*

R.S.O. 1970,
c. 386

(3) No action or other proceeding for damages shall be ^{Protection} ^{from} ^{personal} ^{liability} instituted against the Deputy Minister or any officer or employee of the Ministry or anyone acting under his authority

for any act done in good faith in the execution or intended execution of his duty or for any alleged neglect or default in the execution in good faith of his duty.

**Liability
of Crown**

R.S.O. 1970,
c. 365

(4) Subsection 3 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection 3 to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 3 had not been enacted.

**Function of
Ministry**

6.—(1) It is the function of the Ministry to advance and encourage responsible citizenship through the process of cultural and recreational development, including,

- (a) preserving and maintaining the cultural heritage of residents of Ontario with full recognition of their diverse traditions and backgrounds;
- (b) promoting access to the benefits of citizenship and of active involvement in the cultural and recreational life of the Province; and
- (c) stimulating the development of new forms of cultural expression and promoting the concept of individual and community excellence.

Idem

(2) In addition to the functions of the Ministry mentioned in subsection 1, the Minister shall perform such functions and duties as are assigned to him from time to time by the Lieutenant Governor in Council.

Seal

7.—(1) The Lieutenant Governor in Council may authorize a seal for the Ministry.

Idem

(2) The seal may be reproduced by engraving, lithographing, printing or other method of mechanical reproduction and when so reproduced has the same effect as if manually affixed.

**Delegation
of powers
and duties**

8. Where, under this or any other Act, a power or duty is granted to or vested in the Minister, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power or duty to the Deputy Minister, or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in his delegation.

9. Subject to the approval of the Lieutenant Governor in Council, the Minister may establish advisory committees to the Minister and sub-committees thereto, appoint chairmen and members of such committees and sub-committees, fix the terms of reference of such committees and sub-committees and fix the remuneration and expenses of the chairmen and members of such committees and sub-committees.

10. The Minister after the close of each year shall submit to the Lieutenant Governor in Council an annual report upon the affairs of the Ministry and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

11. The expenditures of the Ministry for the fiscal year ending the 31st day of March, 1975, as approved by the Lieutenant Governor in Council, shall be paid out of the Consolidated Revenue Fund and thereafter the expenditures of the Ministry shall be paid out of the moneys appropriated therefor by the Legislature.

12. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

13. This Act may be cited as *The Ministry of Culture and Recreation Act, 1974.*

An Act to establish
the Ministry of Culture
and Recreation

1st Reading

December 17th, 1974

2nd Reading

December 20th, 1974

3rd Reading

December 20th, 1974

THE HON. W. G. DAVIS
Premier

CAZON
XB
-B 56

BILL 181

Government
Publications
Government Bill

4TH SESSION, 29TH LEGISLATURE, ~~ONTARIO~~
23 ELIZABETH II, 1974

Legislative Assembly

An Act to establish
the North Pickering Development Corporation

THE HON. D. R. IRVINE
Minister of Housing



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes the North Pickering Development Corporation as a corporation without share capital having as its objects the preparation of a plan for, and the subsequent development of, the North Pickering Planning Area. Among the principal features of the Bill are the following:

1. The Minister may, by order, establish as the North Pickering Planning Area the area of land defined in the order.
2. The Corporation is charged with responsibility for the preparation of a plan for development for the North Pickering Planning Area and to provide a copy of the plan to the council of each municipality within or partly within the Planning Area; the Corporation will then, under the procedures of *The Planning Act*, request such amendments be made to any official plans that are in force as may be necessary to permit development of the area in accordance with the plan prepared by the Corporation.
3. The Corporation is given such development powers as are necessary or incidental to the carrying out of the development plan, including the preparation of subdivision plans, the installation of services, the acquisition and disposition of property and the entering into of agreements with persons, municipalities, local boards and other government agencies.
4. The Corporation is empowered to borrow money for its purposes by way of loans or advances from the Consolidated Revenue Fund, the Ontario Land Corporation and other Federal or Provincial government agencies and by way of temporary loans from any chartered bank.
5. The Board of Directors of the Corporation, to consist of its chairman and from four to eight other directors to be appointed by the Lieutenant Governor in Council, will be subject to a conflict of interest rule similar to that contained in *The Business Corporations Act*.
6. The Corporation will appoint a chief executive officer who will be, *ex officio*, a member of the Board of Directors and vice-chairman of the Board.
7. The Corporation, subject to the Minister's approval, may establish positions and salary ranges and appoint employees; while not under *The Public Service Act*, such employees will be entitled to the benefits of *The Public Service Superannuation Act*.
8. The accounts and transactions of the Corporation will be audited annually by the Provincial Auditor and the Corporation will make an annual report to the Minister on its affairs.

BILL 181**1974**

**An Act to establish
the North Pickering Development
Corporation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the North Pickering Development Corporation;
- (c) "Minister" means the Minister of Housing;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "municipality" means a city, town, village, township or improvement district and includes a metropolitan, regional and district municipality;
- (f) "North Pickering Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (g) "Plan for Development" means a plan, policy and program, or any part thereof, prepared by the Corporation, covering the North Pickering Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental, agricultural and physical conditions of the Area, and consisting of the texts and maps describing the program and policy.

Establish-
ment of
North
Pickering
Planning
Area

North
Pickering
Development
Corporation
established

Board of
Directors

Chairman

Reappoint-
ment

Remunera-
tion

Seat in
Assembly
not vacated
R.S.O. 1970,
c. 240

Removal
from
office

Chief
executive
officer

Vice-
chairman

Acting
chairman

2. The Minister may, by order, establish as the North Pickering Planning Area, the area of land in Ontario defined in the order.

3. There is hereby established a corporation without share capital under the name "North Pickering Development Corporation".

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than five and not more than nine members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister, and who shall hold office for such term as the Lieutenant Governor in Council, on the recommendation of the Minister, determines.

(2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.

(3) Each of the directors is eligible for reappointment upon the expiration of his term of office.

(4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.

(5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

(6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

(7) Subject to the approval of the Minister, the Board shall appoint a chief executive officer.

(8) In addition to the members of the Board appointed under subsection 1, the chief executive officer shall be, *ex officio*, a member of the Board and shall be the vice-chairman of the Board.

(9) In case of absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman,

or if the vice-chairman is absent or the office is vacant, such director as the Board designates for such purpose, shall act as chairman and have all the powers of the chairman.

(10) A majority of the directors constitutes a quorum of Quorum the Board.

5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction to which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the Corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall neither vote nor be counted in any quorum involving any vote which may be taken in respect of a contract or transaction at a meeting of the directors of the Corporation.

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest in, and the contract or transaction are, both material.

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered or, if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested or, if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested or, if a contract or transaction, or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors at the first meeting of the directors held after the director becomes aware of it.

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract

or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

General notice

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or transaction or a proposed contract or transaction with the Corporation is a sufficient declaration of interest in relation to any contracts or transactions so made.

Oath of office and secrecy

6. Before entering upon his duties, every director, officer or employee of the Corporation shall take, and every agent and adviser whose services are engaged by the Corporation may be required by the Corporation to take, before a commissioner of oaths, the following oath or affirmation:

I,
do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The North Pickering Development Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the North Pickering Development Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Indemnification of officers and directors

7. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

8. *The Corporations Act* does not apply to the Corporation. R.S.O. 1970, c. 89 not to apply

9. The chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman. Chairman to preside

10. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the planning and development of the North Pickering Planning Area, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers. Management

11.—(1) The Corporation may, subject to the approval of the Minister, establish positions, salary ranges and employee benefits for its officers and employees. Officers and employees

(2) The Corporation may appoint officers and employees in accordance with the provisions of subsection 1. Idem

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act. Employees' superannuation benefits R.S.O. 1970, c. 387

12. The Corporation may engage persons other than those appointed under section 11 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional and other assistance

13. Such right, title and interest in property held by the Ontario Land Corporation that is included in the North Pickering Planning Area as deemed necessary or advisable by the Lieutenant Governor in Council to carry out the objects of the Corporation shall be transferred to and vested in the Corporation. Transfer of assets

14. The head office of the Corporation shall be established within the North Pickering Planning Area. Head office

15. The Corporation shall have a seal which shall be adopted by resolution or by-law of the Corporation. Seal

16. The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on Mechanical reproduction of seal and signature authorized

any security to which it is to be affixed and any signatures upon any such security may be engraved, lithographed, printed or otherwise mechanically reproduced and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes, valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Fiscal year

17. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Duties of Corporation

18. The Corporation shall prepare the Plan for Development and develop the North Pickering Planning Area in accordance with the Plan.

Contents of proposed Plan

19. The proposed Plan for Development may contain,

- (a) policies for the economic, social, environmental, agricultural and physical development of the area covered by the Plan in respect of,
 - (i) the general distribution and density of population,
 - (ii) the general location of industry and commerce,
 - (iii) the identification of major land use areas and the provision of major parks and open space,
 - (iv) the management of land and water resources,
 - (v) the control of all forms of pollution of the natural environment,
 - (vi) the general location and development of major servicing, communication and transportation systems,
 - (vii) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
 - (viii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works; and

- (c) such policies as are, in the opinion of the Minister, advisable for the implementation of the Plan.

20. The Corporation shall provide a copy of the Plan for Development to the council of each municipality that is within or partly within the North Pickering Planning Area and shall, in accordance with *The Planning Act*, request the council of each municipality that has planning jurisdiction to make such amendment to its official plan as may be required to enable the North Pickering Planning Area to be developed in conformity with the Plan for Development and the official plan of the municipality.

21. Section 20 applies, *mutatis mutandis*, to any amendment to the Plan for Development.

22. The Corporation may do all things necessary or incidental to the carrying out by the Corporation of its duties and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance thereof,

- (a) carry out investigations and surveys of the environmental, physical, social, economic and agricultural conditions of the North Pickering Planning Area;
- (b) prepare a plan or plans of subdivision as from time to time may be necessary for submission for approval pursuant to *The Planning Act*;
- (c) enter into agreements with any person, municipality, local board, government agency or authority;
- (d) acquire, hold, manage, lease, demolish, alter, improve and dispose of land and other property;
- (e) provide, manage and maintain services, amenities, installations, buildings and other structures;
- (f) apply to the necessary authorities for any permits that may be necessary to carry out the objects and powers of the Corporation including but not limited to building permits;
- (g) subject to the approval of the Minister, make such by-laws, rules and orders as may be considered expedient for the administration and management of its affairs;
- (h) with the prior approval of the Minister in writing, establish and carry on any business, subsidiary business or undertaking; and

(i) with the prior approval of the Lieutenant Governor in Council, make grants, make loans, advance moneys or guarantee moneys loaned, to persons or governmental authorities.

Borrowing powers

23.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise such sums of money as the Corporation considers requisite for the objects of the Corporation in any one or more, or partly in one and partly in another, of the following ways,

- (a) by loans or advances from the Consolidated Revenue Fund;
- (b) by loans or advances from any Federal or Provincial government agency, including the Ontario Land Corporation;
- (c) by temporary loans from any chartered bank to which the *Bank Act* (Canada) applies.

R.S.C. 1970,
c. B-1

Evidences of indebtedness

(2) For the purposes of subsection 1, the Corporation may give such evidences of indebtedness as may be required.

Payment over to Corporation of moneys appropriated

24. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation, upon the Minister and at the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

R.S.O. 1970,
c. 166

Grants and loans

25. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Revenue

26. The property and income revenues and profits of the Corporation shall be applied in furtherance of the objects of the Corporation, to repay any loans or debts outstanding or in accordance with any investment policies determined by the Lieutenant Governor in Council or in such other manner as the Lieutenant Governor in Council may determine.

Disposal of land, etc., by the Corporation

27. The Corporation may dispose of its land, property, assets, undertaking or any part thereof, to any person, municipality, government agency or authority.

28. The Corporation may, with the approval of the Minister, ^{Power to change} by by-law change the name of the Corporation or the name ^{names} of the North Pickering Planning Area.

29.—(1) The accounts and financial transactions of the ^{Audit} Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister in which the Provincial Auditor shall,

- (a) express an opinion on the financial statements of the Corporation;
- (b) include any matters which he considers should be brought to the attention of the Corporation and of the Minister.

(2) The annual report of the Provincial Auditor shall be ^{Idem} included in the annual report of the Corporation.

30.—(1) The Corporation shall make a report annually to ^{Annual report} the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Corporation shall submit its annual estimates and ^{Further reports} multi-year forecasts to the Minister annually and shall make such further reports to the Minister as the Minister may from time to time require.

31. In the event of conflict between the provisions of ^{Conflict} this Act and any other general or special Act, the provisions of this Act prevail.

32. This Act comes into force on a day to be named by ^{Commencement} proclamation of the Lieutenant Governor.

33. This Act may be cited as *The North Pickering Develop-* ^{Short title} *ment Corporation Act, 1974.*

An Act to establish
the North Pickering Development
Corporation

1st Reading

December 17th, 1974

2nd Reading

3rd Reading

THE HON. D. R. IRVINE
Minister of Housing

(*Government Bill*)

CAZON
XB
-B 56

~~BILL 181~~

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government
Publications

An Act to establish
the North Pickering Development Corporation



THE HON. D. R. IRVINE
Minister of Housing

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes the North Pickering Development Corporation as a corporation without share capital having as its objects the preparation of a plan for, and the subsequent development of, the North Pickering Planning Area. Among the principal features of the Bill are the following:

1. The Minister may, by order, establish as the North Pickering Planning Area the area of land defined in the order.
2. The Corporation is charged with responsibility for the preparation of a plan for development for the North Pickering Planning Area and to provide a copy of the plan to the council of each municipality within or partly within the Planning Area; the Corporation will then, under the procedures of *The Planning Act*, request such amendments be made to any official plans that are in force as may be necessary to permit development of the area in accordance with the plan prepared by the Corporation.
3. The Corporation is given such development powers as are necessary or incidental to the carrying out of the development plan, including the preparation of subdivision plans, the installation of services, the acquisition and disposition of property and the entering into of agreements with persons, municipalities, local boards and other government agencies.
4. The Corporation is empowered to borrow money for its purposes by way of loans or advances from the Consolidated Revenue Fund, the Ontario Land Corporation and other Federal or Provincial government agencies and by way of temporary loans from any chartered bank.
5. The Board of Directors of the Corporation, to consist of its chairman and from four to eight other directors to be appointed by the Lieutenant Governor in Council, will be subject to a conflict of interest rule similar to that contained in *The Business Corporations Act*.
6. The Corporation will appoint a chief executive officer who will be, *ex officio*, a member of the Board of Directors and vice-chairman of the Board.
7. The Corporation, subject to the Minister's approval, may establish positions and salary ranges and appoint employees; while not under *The Public Service Act*, such employees will be entitled to the benefits of *The Public Service Superannuation Act*.
8. The accounts and transactions of the Corporation will be audited annually by the Provincial Auditor and the Corporation will make an annual report to the Minister on its affairs.

BILL 181**1974**

**An Act to establish
the North Pickering Development
Corporation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the North Pickering Development Corporation;
- (c) "Minister" means the Minister of Housing;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "municipality" means a city, town, village, township or improvement district and includes a metropolitan, regional and district municipality;
- (f) "North Pickering Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (g) "Plan for Development" means a plan, policy and program, or any part thereof, prepared by the Corporation, covering the North Pickering Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental, agricultural and physical conditions of the Area, and consisting of the texts and maps describing the program and policy.

Establish-
ment of
North
Pickering
Planning
Area

North
Pickering
Development
Corporation
established

Board of
Directors

Chairman

Reappoint-
ment

Remunera-
tion

Seat in
Assembly
not vacated
R.S.O. 1970,
c. 240

Removal
from
office

Chief
executive
officer

Vice-
chairman

Acting
chairman

2. The Minister may, by order, establish as the North Pickering Planning Area, the area of land in Ontario defined in the order.

3. There is hereby established a corporation without share capital under the name "North Pickering Development Corporation".

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than five and not more than nine members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister, and who shall hold office for such term as the Lieutenant Governor in Council, on the recommendation of the Minister, determines.

(2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.

(3) Each of the directors is eligible for reappointment upon the expiration of his term of office.

(4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.

(5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

(6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

(7) Subject to the approval of the Minister, the Board shall appoint a chief executive officer.

(8) In addition to the members of the Board appointed under subsection 1, the chief executive officer shall be, *ex officio*, a member of the Board and shall be the vice-chairman of the Board.

(9) In case of absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman,

or if the vice-chairman is absent or the office is vacant, such director as the Board designates for such purpose, shall act as chairman and have all the powers of the chairman.

(10) A majority of the directors constitutes a quorum of Quorum the Board.

5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is to be a party, other than a contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall neither vote nor be counted in any quorum involving any vote which may be taken in respect of a contract or transaction at a meeting of the directors of the Corporation.

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest in, and the contract or transaction are, both material.

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered or, if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested or, if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested or, if a contract or transaction, or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors at the first meeting of the directors held after the director becomes aware of it.

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract

or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

General notice

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or transaction or a proposed contract or transaction with the Corporation is a sufficient declaration of interest in relation to any contracts or transactions so made.

Oath of office and secrecy

6. Before entering upon his duties, every director, officer or employee of the Corporation shall take, and every agent and adviser whose services are engaged by the Corporation may be required by the Corporation to take, before a commissioner of oaths, the following oath or affirmation:

I,
do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The North Pickering Development Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the North Pickering Development Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Indemnification of officers and directors

7. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, in good faith made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

8. *The Corporations Act* does not apply to the Corporation. R.S.O. 1970, c. B.89 not to apply

9. The chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman. Chairman to preside

10. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the planning and development of the North Pickering Planning Area, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers. Management

11.—(1) The Corporation may, subject to the approval of the Minister, establish positions, salary ranges and employee benefits for its officers and employees. Officers and employees

(2) The Corporation may appoint officers and employees in accordance with the provisions of subsection 1. Idem

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act. Employees' superannuation benefits R.S.O. 1970, c. 387

12. The Corporation may engage persons other than those appointed under section 11 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional and other assistance

13. Such right, title and interest in property held by the Ontario Land Corporation that is included in the North Pickering Planning Area as deemed necessary or advisable by the Lieutenant Governor in Council to carry out the objects of the Corporation shall be transferred to and vested in the Corporation. Transfer of assets

14. The head office of the Corporation shall be established within the North Pickering Planning Area. Head office

15. The Corporation shall have a seal which shall be adopted by resolution or by-law of the Corporation. Seal

16. The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on Mechanical reproduction of seal and signature authorized

any security to which it is to be affixed and any signatures upon any such security may be engraved, lithographed, printed or otherwise mechanically reproduced and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes, valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Fiscal year

17. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Duties of Corporation

18. The Corporation shall prepare the Plan for Development and develop the North Pickering Planning Area in accordance with the Plan.

Contents of proposed Plan

19. The proposed Plan for Development may contain,

- (a) policies for the economic, social, environmental, agricultural and physical development of the area covered by the Plan in respect of,
 - (i) the general distribution and density of population,
 - (ii) the general location of industry and commerce,
 - (iii) the identification of major land use areas and the provision of major parks and open space,
 - (iv) the management of land and water resources,
 - (v) the control of all forms of pollution of the natural environment,
 - (vi) the general location and development of major servicing, communication and transportation systems,
 - (vii) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
 - (viii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works; and

(c) such policies as are, in the opinion of the Minister, advisable for the implementation of the Plan.

20. The Corporation shall provide a copy of the Plan for Development to the council of each municipality that is within or partly within the North Pickering Planning Area and shall, in accordance with *The Planning Act*, request the council of each municipality that has planning jurisdiction to make such amendment to its official plan as may be required to enable the North Pickering Planning Area to be developed in conformity with the Plan for Development and the official plan of the municipality.

21. Section 20 applies, *mutatis mutandis*, to any amendment to the Plan for Development.

22. The Corporation may do all things necessary or incidental to the carrying out by the Corporation of its duties and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance thereof,

- (a) carry out investigations and surveys of the environmental, physical, social, economic and agricultural conditions of the North Pickering Planning Area;
- (b) prepare a plan or plans of subdivision as from time to time may be necessary for submission for approval pursuant to *The Planning Act*;
- (c) enter into agreements with any person, municipality, local board, government agency or authority;
- (d) acquire, hold, manage, lease, demolish, alter, improve and dispose of land and other property;
- (e) provide, manage and maintain services, amenities, installations, buildings and other structures;
- (f) apply to the necessary authorities for any permits that may be necessary to carry out the objects and powers of the Corporation including but not limited to building permits;
- (g) subject to the approval of the Minister, make such by-laws, rules and orders as may be considered expedient for the administration and management of its affairs;
- (h) with the prior approval of the Minister in writing, establish and carry on any business, subsidiary business or undertaking; and

(i) with the prior approval of the Lieutenant Governor in Council, make grants, make loans, advance moneys or guarantee moneys loaned, to persons or governmental authorities.

Borrowing powers

23.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise such sums of money as the Corporation considers requisite for the objects of the Corporation in any one or more, or partly in one and partly in another, of the following ways,

- (a) by loans or advances from the Consolidated Revenue Fund;
- (b) by loans or advances from any Federal or Provincial government agency, including the Ontario Land Corporation;
- (c) by temporary loans from any chartered bank to which the *Bank Act* (Canada) applies.

R.S.C. 1970,
c. B-1

Evidences of indebtedness
(2) For the purposes of subsection 1, the Corporation may give such evidences of indebtedness as may be required.

Payment over to Corporation of moneys appropriated

24. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation, upon the Minister and at the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

R.S.O. 1970,
c. 166

Grants and loans

25. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Revenue

26. The property and income revenues and profits of the Corporation shall be applied in furtherance of the objects of the Corporation, to repay any loans or debts outstanding or in accordance with any investment policies determined by the Lieutenant Governor in Council or in such other manner as the Lieutenant Governor in Council may determine.

Disposal of land, etc., by the Corporation

27. The Corporation may dispose of its land, property, assets, undertaking or any part thereof, to any person, municipality, government agency or authority.

28. The Corporation may, with the approval of the Minister, by by-law change the name of the Corporation or the name of the North Pickering Planning Area.

29.—(1) The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister in which the Provincial Auditor shall,

(a) express an opinion on the financial statements of the Corporation;

(b) include any matters which he considers should be brought to the attention of the Corporation and of the Minister.

(2) The annual report of the Provincial Auditor shall be included in the annual report of the Corporation.

30.—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Corporation shall submit its annual estimates and multi-year forecasts to the Minister annually and shall make such further reports to the Minister as the Minister may from time to time require.

31. In the event of conflict between the provisions of this Act and any other general or special Act, the provisions of this Act prevail.

32. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

33. This Act may be cited as *The North Pickering Development Corporation Act, 1974.*

BILL 181

An Act to establish
the North Pickering Development
Corporation

1st Reading

December 17th, 1974

2nd Reading

January 27th, 1975

3rd Reading

THE HON. D. R. IRVINE
Minister of Housing

(Reprinted as amended by the
Committee of the Whole House)

~~Ontario~~
~~CAZON~~

~~Legislative Assembly~~

BILL 181

~~XB~~

~~-B 56~~

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

**An Act to establish
the North Pickering Development Corporation**

THE HON. D. R. IRVINE
Minister of Housing



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 181**1974**

**An Act to establish
the North Pickering Development
Corporation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Directors of the Corporation;
- (b) "Corporation" means the North Pickering Development Corporation;
- (c) "Minister" means the Minister of Housing;
- (d) "ministry" means any ministry or secretariat of the Government of Ontario and includes a board, commission or agency of the Government;
- (e) "municipality" means a city, town, village, township or improvement district and includes a metropolitan, regional and district municipality;
- (f) "North Pickering Planning Area" means the area of land in Ontario designated as such by the Minister under this Act;
- (g) "Plan for Development" means a plan, policy and program, or any part thereof, prepared by the Corporation, covering the North Pickering Planning Area, or any part thereof defined in the Plan, designed to promote the optimum economic, social, environmental, agricultural and physical conditions of the Area, and consisting of the texts and maps describing the program and policy.

Establish-
ment of
North
Pickering
Planning
Area

North
Pickering
Development
Corporation
established

Board of
Directors

Chairman

Reappoint-
ment

Remunera-
tion

Seat in
Assembly
not vacated
R.S.O. 1970,
c. 240

Removal
from
office

Chief
executive
officer

Vice-
chairman

Acting
chairman

2. The Minister may, by order, establish as the North Pickering Planning Area, the area of land in Ontario defined in the order.

3. There is hereby established a corporation without share capital under the name "North Pickering Development Corporation".

4.—(1) There shall be a Board of Directors of the Corporation consisting of not fewer than five and not more than nine members who shall be appointed by the Lieutenant Governor in Council on the recommendation of the Minister, and who shall hold office for such term as the Lieutenant Governor in Council, on the recommendation of the Minister, determines.

(2) The Lieutenant Governor in Council shall designate one of the directors as chairman of the Board.

(3) Each of the directors is eligible for reappointment upon the expiration of his term of office.

(4) The Corporation may pay those of its directors who are not officers in the public service of Ontario such remuneration and expenses as may from time to time be fixed by the Lieutenant Governor in Council and such remuneration and expenses shall be part of the administration expense of the Corporation.

(5) Notwithstanding anything in *The Legislative Assembly Act*, a member of the Assembly who is appointed a member of the Board is not thereby rendered ineligible as a member of the Assembly or disqualified from sitting or voting in the Assembly.

(6) A member of the Board may be removed by the Lieutenant Governor in Council from office before the expiration of his term, and the Lieutenant Governor in Council may appoint any person in his stead for the remainder of his term.

(7) Subject to the approval of the Minister, the Board shall appoint a chief executive officer.

(8) In addition to the members of the Board appointed under subsection 1, the chief executive officer shall be, *ex officio*, a member of the Board and shall be the vice-chairman of the Board.

(9) In case of absence or illness of the chairman or of there being a vacancy in the office of chairman, the vice-chairman,

or if the vice-chairman is absent or the office is vacant, such director as the Board designates for such purpose, shall act as chairman and have all the powers of the chairman.

(10) A majority of the directors constitutes a quorum of Quorum the Board.

5.—(1) Every director of the Corporation who has, directly or indirectly, any interest in any contract or transaction to which the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act* is or is to be a party, other than a contract or transaction in which his interest is limited solely to his remuneration as a director, officer or employee, shall declare his interest in such contract or transaction at a meeting of the directors of the Corporation and shall at that time disclose the nature and extent of such interest including, as to any contract or transaction involving the purchase or sale of property by or to the Corporation or any corporation that is a Crown agency within the meaning of *The Crown Agency Act*, the cost of the property to the purchaser and the cost thereof to the seller if acquired by the seller within five years before the date of the contract or transaction, to the extent to which such interest or information is within his knowledge or control, and shall neither vote nor be counted in any quorum involving any vote which may be taken in respect of a contract or transaction at a meeting of the directors of the Corporation.

(2) Subsection 1 does not require the disclosure of any interest in any contract or transaction unless the interest in, and the contract or transaction are, both material.

(3) The declaration required by this section shall be made at the meeting of the directors at which the proposed contract or transaction is first considered or, if the director is not at the date of the meeting interested in the proposed contract or transaction, at the next meeting of the directors held after he becomes so interested or, if the director becomes interested in a contract or transaction after it is entered into, at the first meeting of the directors held after he becomes so interested or, if a contract or transaction, or a proposed contract or transaction is one that in the ordinary course of the Corporation's business, would not require approval by the directors at the first meeting of the directors held after the director becomes aware of it.

(4) If a director has made a declaration and disclosure of his interest in a contract or transaction in compliance with this section and has not voted in respect of the contract

or transaction at the meeting of the directors of the Corporation, the director, if he was acting honestly and in good faith at the time the contract or transaction was entered into, is not by reason only of his holding the office of director accountable to the Corporation for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the Corporation at the time the contract or transaction was entered into, is not voidable by reason only of the director's interest therein.

General notice

(5) For the purposes of this section, a general notice to the directors by a director declaring that he is a director or officer of, or has a material interest in the person that is a party to a contract or transaction or a proposed contract or transaction with the Corporation is a sufficient declaration of interest in relation to any contracts or transactions so made.

Oath of office and secrecy

6. Before entering upon his duties, every director, officer or employee of the Corporation shall take, and every agent and adviser whose services are engaged by the Corporation may be required by the Corporation to take, before a commissioner of oaths, the following oath or affirmation:

I,
do solemnly swear (or affirm) that I will faithfully, honestly and to the best of my judgment, skill and knowledge, execute and perform the duties required of me by *The North Pickering Development Corporation Act, 1974* and all rules, directions and instructions thereunder as a director (officer, employee or agent, as the case may be) of the North Pickering Development Corporation and that properly relate to my duties as a director (officer, employee or agent, as the case may be) of the Corporation.

I further solemnly swear (or affirm) that I will not communicate or allow to be communicated to any person not legally entitled thereto any information relating to the business of the Corporation, nor will I without due authority, allow any such person to inspect or have access to any books or documents belonging to or in the possession of the Corporation and relating to the business of the Corporation.

Indemnification of officers and directors

7. Each director and each officer of the Corporation and his heirs, executors and administrators shall be indemnified and saved harmless by the Corporation from and against all costs, charges and expenses that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him for or in respect of any act, deed, matter or other thing, in good faith made, done or permitted by him in or about the execution of the duties of his office and any payments made by the Corporation with respect to such costs, charges and expenses, shall be part of the administration expense of the Corporation.

8. *The Corporations Act* does not apply to the Corporation. R.S.O. 1970, c. B9 not to apply

9. The chairman shall preside at all meetings of the Board, or, in his absence or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman. Chairman to preside

10. The Board shall manage or supervise the management of the business and affairs of the Corporation, provided that, in accordance with the policy of the Government of Ontario relating to the planning and development of the North Pickering Planning Area, the Board shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister with respect to the exercise of its powers. Management

11.—(1) The Corporation may, subject to the approval of the Minister, establish positions, salary ranges and employee benefits for its officers and employees. Officers and employees

(2) The Corporation may appoint officers and employees in accordance with the provisions of subsection 1. Idem

(3) *The Public Service Superannuation Act* applies to the permanent and full-time probationary staff of the Corporation as though the Corporation had been designated by the Lieutenant Governor in Council under section 27 of that Act. Employees' superannuation benefits R.S.O. 1970, c. 387

12. The Corporation may engage persons other than those appointed under section 11 to provide professional, technical or other assistance to or on behalf of the Corporation, and may prescribe the duties and other terms of engagement and provide for payment of the remuneration and expenses of such persons. Professional and other assistance

13. Such right, title and interest in property held by the Ontario Land Corporation that is included in the North Pickering Planning Area as deemed necessary or advisable by the Lieutenant Governor in Council to carry out the objects of the Corporation shall be transferred to and vested in the Corporation. Transfer of assets

14. The head office of the Corporation shall be established within the North Pickering Planning Area. Head office

15. The Corporation shall have a seal which shall be adopted by resolution or by-law of the Corporation. Seal

16. The seal of the Corporation may be engraved, lithographed, printed or otherwise mechanically reproduced on Mechanical reproduction of seal and signature authorized

any security to which it is to be affixed and any signatures upon any such security may be engraved, lithographed, printed or otherwise mechanically reproduced and the seal of the Corporation when so reproduced has the same force and effect as if manually affixed, and any such signature is for all purposes, valid and binding upon the Corporation notwithstanding that any person whose signature is so reproduced has ceased to hold office.

Fiscal year

17. The fiscal year of the Corporation commences on the 1st day of April in each year and ends on the 31st day of March in the following year.

Duties of Corporation

18. The Corporation shall prepare the Plan for Development and develop the North Pickering Planning Area in accordance with the Plan.

Contents of proposed Plan

19. The proposed Plan for Development may contain,

- (a) policies for the economic, social, environmental, agricultural and physical development of the area covered by the Plan in respect of,
 - (i) the general distribution and density of population,
 - (ii) the general location of industry and commerce,
 - (iii) the identification of major land use areas and the provision of major parks and open space,
 - (iv) the management of land and water resources,
 - (v) the control of all forms of pollution of the natural environment,
 - (vi) the general location and development of major servicing, communication and transportation systems,
 - (vii) the development and maintenance of educational, cultural, recreational, health and other social facilities, and
 - (viii) such other matters as are, in the opinion of the Minister, advisable;
- (b) policies relating to the financing and programming of public development projects and capital works; and

- (c) such policies as are, in the opinion of the Minister, advisable for the implementation of the Plan.

20. The Corporation shall provide a copy of the Plan for Development to the council of each municipality that is within or partly within the North Pickering Planning Area and shall, in accordance with *The Planning Act*, request the council of each municipality that has planning jurisdiction to make such amendment to its official plan as may be required to enable the North Pickering Planning Area to be developed in conformity with the Plan for Development and the official plan of the municipality.

21. Section 20 applies, *mutatis mutandis*, to any amendment to the Plan for Development.

22. The Corporation may do all things necessary or incidental to the carrying out by the Corporation of its duties and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance thereof,

- (a) carry out investigations and surveys of the environmental, physical, social, economic and agricultural conditions of the North Pickering Planning Area;
- (b) prepare a plan or plans of subdivision as from time to time may be necessary for submission for approval pursuant to *The Planning Act*;
- (c) enter into agreements with any person, municipality, local board, government agency or authority;
- (d) acquire, hold, manage, lease, demolish, alter, improve and dispose of land and other property;
- (e) provide, manage and maintain services, amenities, installations, buildings and other structures;
- (f) apply to the necessary authorities for any permits that may be necessary to carry out the objects and powers of the Corporation including but not limited to building permits;
- (g) subject to the approval of the Minister, make such by-laws, rules and orders as may be considered expedient for the administration and management of its affairs;
- (h) with the prior approval of the Minister in writing, establish and carry on any business, subsidiary business or undertaking; and

Borrowing powers
 (i) with the prior approval of the Lieutenant Governor in Council, make grants, make loans, advance moneys or guarantee moneys loaned, to persons or governmental authorities.

23.—(1) Subject to the approval of the Lieutenant Governor in Council, the Corporation may from time to time borrow or raise such sums of money as the Corporation considers requisite for the objects of the Corporation in any one or more, or partly in one and partly in another, of the following ways,

- (a) by loans or advances from the Consolidated Revenue Fund;
- (b) by loans or advances from any Federal or Provincial government agency, including the Ontario Land Corporation;
- (c) by temporary loans from any chartered bank to which the *Bank Act* (Canada) applies.

R.S.C. 1970,
c. B-1

Evidences of indebtedness
 (2) For the purposes of subsection 1, the Corporation may give such evidences of indebtedness as may be required.

Payment over to Corporation of moneys appropriated
 R.S.O. 1970,
c. 166

24. Where the Legislature has appropriated money for the purposes of the Corporation, such money is payable out of such appropriation to the Corporation from time to time upon the requisition of the chairman of the Corporation, upon the Minister and at the direction of the Lieutenant Governor in Council, in such amounts and at such times as are stated in the requisition and direction, and this section has effect notwithstanding that there may be sums due from the Corporation to the Province of Ontario and notwithstanding anything in *The Financial Administration Act*.

Grants and loans
 R.S.O. 1970,
c. 166

25. The Minister may, out of the moneys appropriated therefor by the Legislature, make grants or loans to the Corporation at such times, in such amounts and upon such terms and conditions as he considers advisable.

Revenue
 R.S.O. 1970,
c. 166

26. The property and income revenues and profits of the Corporation shall be applied in furtherance of the objects of the Corporation, to repay any loans or debts outstanding or in accordance with any investment policies determined by the Lieutenant Governor in Council or in such other manner as the Lieutenant Governor in Council may determine.

Disposal of land, etc., by the Corporation
 R.S.O. 1970,
c. 166

27. The Corporation may dispose of its land, property, assets, undertaking or any part thereof, to any person, municipality, government agency or authority.

28. The Corporation may, with the approval of the Minister, ^{Power to change names} by by-law change the name of the Corporation or the name of the North Pickering Planning Area.

29.—(1) The accounts and financial transactions of the ^{Audit} Corporation shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Corporation and to the Minister in which the Provincial Auditor shall,

- (a) express an opinion on the financial statements of the Corporation;
- (b) include any matters which he considers should be brought to the attention of the Corporation and of the Minister.

(2) The annual report of the Provincial Auditor shall be ^{Idem} included in the annual report of the Corporation.

30.—(1) The Corporation shall make a report annually to ^{Annual report} the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Corporation shall submit its annual estimates and ^{Further reports} multi-year forecasts to the Minister annually and shall make such further reports to the Minister as the Minister may from time to time require.

31. In the event of conflict between the provisions of ^{Conflict} this Act and any other general or special Act, the provisions of this Act prevail.

32. This Act comes into force on a day to be named by ^{Commencement} proclamation of the Lieutenant Governor.

33. This Act may be cited as *The North Pickering Development Corporation Act, 1974.* ^{Short title}

BILL 181

An Act to establish
the North Pickering Development
Corporation

1st Reading

December 17th, 1974

2nd Reading

January 27th, 1975

3rd Reading

February 6th, 1975

THE HON. D. R. IRVINE
Minister of Housing

CA2ON
XB
-B56

BILL 182

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

~~Legislative Assembly~~
~~Bill~~

An Act to amend The Municipal Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO
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EXPLANATORY NOTES

SECTION 1. Presently, an improvement district must have a population of not less than 500 in order to be erected into a village but may be erected into a township only if it has a population of not less than 1,000; the amendments will permit any improvement district having a population of not less than 500 to be erected into either a village or a township, as the Municipal Board determines.

SECTION 2. When a municipality is annexed to another, certain by-laws of the annexed municipality remain in force until repealed by the council of the annexing municipality; the amendment adds to this category by-laws requiring a conveyance of land for park purposes as a condition of development or redevelopment of land for residential purposes.

SECTION 3. The section added authorizes a county council to issue debentures on behalf of and at the request of the council of a municipality that forms part of the county.

BILL 182**1974**

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 11 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “or a township”. s. 11 (1),
amended
- (2) Subsection 2 of the said section 11 is repealed. s. 11 (2),
repealed
2. Section 18 of the said Act is amended by inserting after “1941” in the ninth line “and by-laws passed under section 35b of *The Planning Act*”. s. 18,
amended
3. The said Act is amended by adding thereto the following sections:
 256a.—(1) In this section and in section 256b, “municipality” means a town, not being a separated town, a village, or a township in a county. Interpretation
 (2) Where, under this or any other general Act, a municipality is authorized or required to provide moneys for any purposes, and it is necessary to raise such moneys by the issue of debentures, the council of the municipality may by resolution request the council of the county in which it is situate to raise such moneys by the issue of debentures of the county. Request to
county to
issue
debentures
 (3) The council of the county shall consider the request at its next meeting following the receipt thereof, and if it approves the request, the council of the county may, without the assent of the electors, issue the debentures. County may
issue
debentures
 (4) Where, pursuant to subsection 3, a county has raised moneys for the purposes of a municipality by the issue and sale of debentures, by the hypothecation of debentures, or Proceeds

by temporary borrowings pending the issue and sale of debentures, the county shall pay over such moneys to the municipality from time to time as the municipality requires.

Special rate

(5) Where, pursuant to subsection 3, a county issues debentures, the council of the municipality on whose behalf the debentures are issued shall provide and raise by a special rate on all the rateable property in the municipality, in each year of the currency of the debentures, a sum sufficient to pay the principal and interest falling due in such year upon such debentures, and such sum shall be paid to the treasurer of the county that issued the debentures before the day such principal or interest becomes due.

Assent of electors

256b.—(1) Where, under any general or special Act, a municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the council of the county shall not pass a by-law authorizing the issue of debentures on behalf of such municipality for such purpose unless such assent or concurrence to the passing of the by-law by the council of the county has been obtained.

Proviso

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

s. 291 (1), amended

4.—(1) Subsection 1 of section 291 of the said Act is amended by striking out “and subject to the approval of the Ministry” in the first and second lines.

s. 291 (3), amended

(2) Subsection 3 of the said section 291 is amended by striking out “under the terms of an agreement approved by the Ministry” in the second and third lines.

s. 291 (5) (e), amended

(3) Clause e of subsection 5 of the said section 291 is amended by striking out “with the approval of the Ministry” in the first line.

s. 292 (3), re-enacted

5. Subsection 3 of section 292 of the said Act is repealed and the following substituted therefor:

Premium to be set aside in reserve fund

(3) Every money by-law passed under this section shall provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium

SECTION 4. The amendments remove the necessity of obtaining the approval of the Ministry in respect of the issuing of sinking fund debentures by a municipality.

SECTION 5. The subsection presently requires the approval of the Ministry to the issuing of debentures made payable in the currency of Great Britain or the United States of America; as re-enacted, that approval is not required but provision is added that any premium that may be received on such currency be set aside in a reserve fund for the purpose indicated.

SECTION 6.—Subsection 1. Municipalities in which a correctional institution is situate may levy an annual amount of up to \$50 upon each resident place in such institution; the amendment adds training schools as institutions in respect of which a similar levy may be made.

Subsection 2. Facilities under *The Developmental Services Act, 1974*, are added as institutions upon which municipalities may levy an annual amount.

Subsections 3 and 4. The amendments are complementary to those contained in subsections 1 and 2 and take into account the new institutions upon which a levy may be made.

Subsection 5. The manner in which is to be determined the amount by which the equalized assessment of a municipality that levies under this provision is deemed increased for apportionment purposes is restated.

on the annual payments of principal and interest on the debentures issued under the by-law.

- 6.—(1)** Subsection 2 of section 304 of the said Act, as re-enacted <sup>s. 304 (2),
amended</sup> by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by inserting after “institution” in the fourth line “or training school” and by inserting after “institution” in the sixth line and in the eighth line “or school”.
- (2)** The said section 304 is amended by adding thereto the <sup>s. 304
amended</sup> following subsection:

(3a) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a facility under *The Developmental Services Act, 1974*, designated by the Lieutenant Governor in Council, may pass by-laws to levy an annual amount, payable on or after the 1st day of July upon such facility, not exceeding the sum of \$50 a year for each provincially rated bed as determined by the Minister of Community and Social Services.

(3) Subsections 5 and 6 of the said section 304, as enacted <sup>s. 304 (5, 6),
re-enacted</sup> by the Statutes of Ontario, 1973, chapter 83, section 4, are repealed and the following substituted therefor:

(5) A municipality in which an institution designated pursuant to subsection 2, 3 or 3a is situate may enter into an agreement with one or more municipalities for the providing of municipal service or services to such institution.

(6) The Minister may direct a municipality in which an institution designated pursuant to subsection 2, 3 or 3a is situate to enter into an agreement with another municipality for the providing of any municipal service or services to such institution on such terms as the Minister may stipulate.

(4) Subsection 8 of the said section 304, as enacted by the <sup>s. 304 (8),
amended</sup> Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out “to a hospital or correctional institution” in the fourth and fifth lines and inserting in lieu thereof “to institutions designated pursuant to subsection 2, 3 or 3a”.

(5) Subsection 9 of the said section 304, as enacted by the <sup>s. 304 (9),
re-enacted</sup> Statutes of Ontario, 1973, chapter 83, section 4, is repealed and the following substituted therefor:

(9) The equalized assessment of a municipality that levies under this section shall be deemed for apportionment <sup>Equalized
assessment
of municip-
ality
deemed
increased</sup>

purposes other than for school purposes, county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year, by the total equalized commercial and industrial assessment for the preceding year, times 1,000.

Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43

s. 304 (12), amended

(9a) In determining the taxes levied on commercial and industrial assessment under subsection 9, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

(6) Subsection 12 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "residential and farm property" in the sixth line and in the eighth line and inserting in lieu thereof in each instance "commercial and industrial assessment".

s. 304, amended

(7) The said section 304, as amended by the Statutes of Ontario, 1971, chapter 81, section 1 and 1973, chapter 83, section 4, is further amended by adding thereto the following subsection:

Where municipal boundaries adjusted, etc.

(12a) For the purposes of subsection 12, where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year.

s. 304a, amended

7.—(1) Section 304a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6 and amended by 1973, chapter 83, section 5, is further amended by adding thereto the following subsections:

Receipts from traffic agreement

(3a) In addition to the statement to be submitted under subsection 1, every telephone company that is entitled to receipts from another telephone company under a traffic agreement for any year ending the 31st day of December shall, on or before the 1st day of March of the following year, transmit to the clerk of each local municipality to which any portion of such receipts is attributable, a statement in writing, setting out the amount of such receipts attributable to that local municipality.

Subsection 6. The basis upon which a municipality is to allocate the levies under this provision among the bodies for which it levies a rate is changed so as to be based on the taxes levied in the preceding year on commercial and industrial assessment rather than on residential and farm property.

Subsection 7. In the circumstances indicated, the allocation is to be based on the estimated taxes for the current year rather than the taxes levied in the preceding year.

SECTION 7.—Subsection 1. The subsections added provide for a levy by municipalities on receipts of telephone companies arising out of traffic agreements with other telephone companies, such receipts to be calculated and attributed in the manner set out.

(3b) For the purpose of enabling a company to arrive at ^{Returns} the amount of receipts attributable to a local municipality under subsection 3a, each telephone company which makes payment to another telephone company under the terms of a traffic agreement shall compile a return in writing showing the name of each local municipality in Ontario in which it operates, the number of telephones connected to its system in each such municipality, and the total number of telephones connected to its system in all such municipalities as at the last preceding 31st day of December and shall on or before the 14th day of February in the following year transmit the return to the company to which it has made such payment and a copy of the said return to the clerk of each municipality cited in the return.

(3c) Each telephone company receiving a return from ^{Manner of attributing receipts} another telephone company under subsection 3b shall attribute the receipts acquired during the next preceding year ending the 31st day of December under its traffic agreement with such other company to each local municipality specified in the return in the ratio that the number of telephones shown on the return for each such municipality bears to the total number of telephones shown on the return and the amount so attributed shall be the amount referred to in subsection 3a.

(3d) A traffic agreement between two telephone companies, ^{Proviso} each of which connects to more than one other telephone company in Ontario for the purpose of toll traffic, shall be deemed not to be a traffic agreement for the purposes of subsections 3a, 3b and 3c.

(3e) The Lieutenant Governor in Council may make regulations ^{Regulations} prescribing the items to be included or excluded in calculating and ascertaining receipts under a traffic agreement for the purposes of subsections 3a and 3c and a regulation made under this subsection shall, if it so provides, be effective with reference to a period before it was filed.

(4a) In 1975 and each year thereafter, the council of each local municipality shall, at the same time as a levy is made under section 302 of this Act or under section 7 of *The Regional Municipal Grants Act*, levy on each company from which a statement is received under subsection 3a an annual tax of an amount equal to 5 per cent of the total of the traffic agreement receipts of such company as shown on the statement. <sup>Rate of tax
R.S.O. 1970, c. 405</sup>

s. 304a (5),
amended

(2) Subsection 5 of the said section 304a, as enacted by the Statutes of Ontario, 1973, chapter 83, section 5, is amended by striking out "4 per cent in 1974 and 5 per cent in 1975 and each year thereafter" in the fourth and fifth lines and inserting in lieu thereof "and 4 per cent in 1974".

s. 304a,
amended

(3) The said section 304a is further amended by adding thereto the following subsection:

Idem

(5a) Notwithstanding subsection 4, where there are less than 4,000 telephones connected to a company's system the annual tax referred to in subsection 4 shall be 4 per cent in 1975 and 1976 and 5 per cent in 1977 and each year thereafter.

s. 304a (8),
re-enacted

(4) Subsection 8 of the said section 304a is repealed and the following substituted therefor:

Equalized
assessment
of munici-
pality
deemed
increased

(8) The equalized assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes other than for separate school purposes or county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes on the commercial and industrial assessment of public school supporters, in the preceding year, by the total equalized commercial and industrial assessment of public school supporters for the preceding year, times 1,000.

Exclusion
of taxes
added to
collector's
roll under
R.S.O. 1970,
c. 32, s. 43

(8a) In determining the taxes levied on commercial and industrial assessment under subsection 8, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

s. 304a (10),
re-enacted

(5) Subsection 10 of the said section 304a is repealed and the following substituted therefor:

Notification
of amount of
assessment
increase

(10) The clerk of every municipality that levies a tax under this section shall, on or before the 15th day of March in each year, transmit to each body for which the municipality levies a rate, except a separate school board and a county council, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8.

s. 304a (11),
amended

(6) Subsection 11 of the said section 304a is amended by striking out "may, in the year 1973, and thereafter in each year shall, allocate a portion of the tax levied under

Subsections 2 and 3. The basic tax to be levied on telephone companies under this section of the Act is 5 per cent of the gross receipts but companies having less than 2,000 telephones receive the benefit of a sliding scale of 3 per cent in 1973 and, in 1974, 4 per cent; the effect of the amendments in these two subsections is to extend the 4 per cent rate to such companies for the years 1975 and 1976 and to provide that in 1975 and 1976 the 4 per cent rate will apply to telephone companies having less than 4,000 telephones.

Subsection 4. The manner in which is to be determined the amount by which the equalized assessment of a municipality that levies a tax under this section of the Act is deemed increased for apportionment purposes is restated.

Subsection 5. The date by which the statement referred to is to be transmitted by the clerk of a municipality is changed to the 15th day of March; presently, the clerk is required to transmit such statement within 14 days of receiving the statement of gross receipts from each telephone company.

Subsection 6. Complementary to subsection 1 by taking into account the tax now to be levied on traffic agreement receipts.

Subsection 7. In the circumstances indicated, the allocation by a municipality of the taxes levied under this section of the Act among the bodies for which it levies a rate is to be based on the estimated taxes for the current year rather than the taxes levied in the preceding year.

SECTION 8. The amendment permits municipalities to provide for any reserves it considers necessary in preparing its yearly estimates; presently, the approval of the Ministry is required.

SECTION 9. Municipalities are entitled to establish reserve funds and the moneys are to be used only for the purposes for which the fund was established, except with the approval of the Ministry; the amendment substitutes a two-thirds vote of the members of council for the approval of the Ministry.

SECTION 10. The amendment removes the necessity of obtaining the approval of the Ministry to the expenditure for another purpose of moneys contributed to a municipality in consideration of expenses to be incurred as a result of a proposed subdivision in cases where the moneys are not required for the purposes for which they were contributed.

SECTION 11. The powers of a municipality to invest any of its moneys not immediately required are enlarged.

subsection 4" in the first, second and third lines and inserting in lieu thereof "shall allocate a portion of the tax levied under subsections 4 and 4a".

- (7) The said section 304a is further amended by adding <sup>s. 304a,
amended</sup> thereto the following subsection:

(11a) For the purposes of subsection 11, where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year.

- 8.** Subsection 2 of section 307 of the said Act is amended by <sup>s. 307 (2),
amended</sup> striking out "other reserves within such limits as to type and amount as the Ministry may approve" in the seventh and eighth lines and inserting in lieu thereof "reserves as the council considers necessary".
- 9.** Subsection 4 of section 308 of the said Act is amended by <sup>s. 308 (4),
amended</sup> striking out "without the approval of the Ministry" in the fourth line and inserting in lieu thereof "without a two-thirds vote of the members of the council".
- 10.** Subsection 3 of section 309 of the said Act is amended by <sup>s. 309 (3),
amended</sup> striking out "with the approval of the Ministry" in the third and fourth lines.
- 11.** Subsection 2 of section 312 of the said Act, as re-enacted by <sup>s. 312 (2),
re-enacted</sup> the Statutes of Ontario, 1972, chapter 124, section 8, is repealed and the following substituted therefor:

(2) Where a municipality has moneys not required immediately by the municipality, such moneys may be,

(a) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*,

R.S.O. 1970,
c. 254

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other

similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

R.S.C. 1970,
c. B-1

R.S.O. 1970,
c. 118

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; or

(b) advanced to the capital account of the municipality for the purpose of interim financing of capital undertakings of the municipality,

provided that the investments or advances to the capital account become due and payable by the day on which the moneys are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested or advanced.

s. 313,
amended

12. Section 313 of the said Act is amended by adding thereto the following subsection:

Idem

1973, c. 73

(1a) Notwithstanding subsection 1 of this section and section 320, where a local municipality having a population of not less than 20,000, as determined under *The Property Tax Stabilization Act, 1973*, has moneys received from the sale of debentures that are not required immediately for the purpose or purposes for which the debentures were issued, such moneys may be invested in the general fund of the municipality, provided that such moneys shall be returned to the debenture account,

(a) by the day on which the moneys are required for the purpose or purposes for which the debentures were issued; or

(b) not later than the 31st day of December of the year in which the moneys were so invested,

whichever the first occurs and interest shall be credited to the debenture account on the amount so invested, at a rate equal to the rate currently applicable to the temporary borrowings of the municipality.

s. 352, pars.
59, 61, 62,
62a
repealed

13. Paragraphs 59, 61 and 62, and paragraph 62a as enacted by the Statutes of Ontario, 1972, chapter 124, section 9, of section 352 of the said Act, are repealed.

s. 354 (1),
amended

14.—(1) Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

SECTION 12. Municipalities in the category mentioned are given the power to invest in the general fund of the municipality debenture sale proceeds that are not immediately required.

SECTION 13. The powers contained in the paragraphs being repealed are consolidated and will now be found in paragraph 3 of section 453 of the Act; see the note to section 19 of the Bill.

SECTION 14.—Subsection 1. Municipalities are given the power to designate private roadways as fire routes and to prohibit the parking of vehicles thereon; voluntary payment out of court of penalties imposed is provided for and the expenses of removing and storing a vehicle are a lien on the vehicle.

Subsection 2. Moneys received on the sale of industrial lands by a municipality may be used for a purpose other than retiring any debt outstanding in respect of the acquisition of the land or in respect of the cost of any services supplied to the land on the vote of three-fourths of the council members, rather than with the approval of the Ministry.

Subsection 3. The approval of the Ministry will no longer be required to the disposition for some other purpose of lands acquired for industrial sites.

Subsection 4. Municipalities may license trailers located in the municipality and charge a licence fee of up to \$20 per month; the amendment excepts trailers assessed under *The Assessment Act* in order to avoid the duplication involved in paying both a licence fee and municipal taxes in respect of the same trailer.

SECTION 15. This section provides for the refund by municipalities of licence fees paid in respect of trailers that were also assessed under *The Assessment Act* and taxed under *The Municipal Act*. It provides also for the Minister to make payment to municipalities under the circumstances indicated to compensate them for certain revenue losses arising out of the non-licensing of trailers.

45a. Notwithstanding paragraph 112, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof.

Designating
fire routes
and prohibiting
parking
thereon

- (a) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.
- (b) Subsection 13 of section 116 of *The Highway Traffic Act* R.S.O. 1970, c. 202 applies to a by-law passed under this paragraph.
- (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.
- (2) Clause *a* of paragraph 50 of subsection 1 of the said section 354 is amended by striking out "the Ministry, upon the request of the council, approves the use of any such moneys for another purpose" in the ninth, tenth and eleventh lines and inserting in lieu thereof "on the vote of three-fourths of all the members of the council the use of such moneys is directed for another purpose".
- (3) Clause *c* of paragraph 50 of subsection 1 of the said section 354 is amended by striking out "with the approval of the Ministry" in the sixth line.
- (4) Paragraph 87 of subsection 1 of the said section 354 is amended by adding thereto the following clause:

- (c) No licence fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

Application
of
R.S.O. 1970,
c. 32

- 15.—(1)** Where in the year 1973 or 1974 licence fees were paid in respect of any trailer pursuant to paragraph 87 of subsection 1 of section 354 of *The Municipal Act* or in respect of any lot occupied by a trailer pursuant to paragraph 15 of section 383 of the said Act, the municipality that collected such licence fees shall, on the application of the owner of the trailer in respect of which such fees were paid, refund to such person all or such portion of the fees as were paid in respect of a period for which the trailer was assessed under *The Assessment Act* and for which taxes have been paid under *The Municipal Act*.

Refund of
licence
fees
R.S.O. 1970,
cc. 284, 32

Refund to be deducted from school board requisition
R.S.O. 1970, c. 424

- (2) Where a municipality has paid a portion of any licence fees refunded under subsection 1 to a public, separate or secondary school board pursuant to section 100 of *The Schools Administration Act*, the municipality shall deduct from the requisition of such school board for the year 1974 or 1975, the portion so paid.

Minister may by order pay moneys

- (3) Where a municipality in the year 1974 repealed all or part of a by-law passed under paragraph 87 of subsection 1 of section 354 or under paragraph 15 of section 383 and as a result collected no licence fees in respect of a trailer that was not assessable under *The Assessment Act* and for which taxes were not levied in the year 1974 under *The Municipal Act*, or in respect of a lot occupied by such trailer, the Minister may, by order, pay to such municipality upon application an amount equal to the licence fees that would have been imposed from the time of such repeal up to the 31st day of December, 1974.

Idem

- (4) Where a municipality has refunded licence fees collected for the year 1974 in respect of a trailer or a lot referred to in subsection 3, the Minister may, in an order made under subsection 3 provide for payment to such municipality of an amount equal to the licence fees refunded.

Idem

R.S.O. 1970, cc. 284, 32

- (5) Where the total of all licence fees imposed by a municipality for the year 1973 under paragraph 87 of subsection 1 of section 354 and paragraph 15 of section 383 exceeds the sum of the taxes levied by the municipality on trailers for the year 1974 under *The Municipal Act* and licence fees imposed by the municipality in the year 1974 under paragraph 87 of subsection 1 of section 354 and paragraph 15 of section 383 in respect of trailers not assessable under *The Assessment Act*, or in respect of lots occupied by such trailers, including any amounts received by the municipality under subsections 3 and 4, the Minister may, by order, pay to the municipality upon application the amount by which the difference exceeds 2 per cent of the total taxation levied in 1974 by the municipality for all purposes other than school, county or regional purposes, however, such difference may be adjusted accordingly where the total of the trailers and lots subject to taxation or to payment of licence fees in the year 1974 is not equal to the total of such trailers and lots for the year 1973.

Idem

- (6) The Minister may, by order, pay in respect of the year 1975 to such municipalities as make application under subsection 5, 50 per cent of the amount paid to such municipalities under subsection 5.

SECTION 16. Municipalities may, by by-law, license, regulate and govern the owners and drivers of cabs; the amendment provides that in the case of the City of Mississauga such by-laws do not apply to cabs plying out of Toronto International Airport, saving only in respect of such cabs as are licensed by Mississauga.

SECTION 17. The amendment removes the limit on the maximum licence fee that municipalities may impose on itinerant salesmen.

SECTION 18. The amendment provides that no licence fee may be imposed by municipalities in respect of a lot in a trailer camp that is occupied by a trailer assessed under *The Assessment Act*; see also the note to subsection 4 of section 14 of the Bill.

SECTION 19. The paragraph is recast in general terms to empower municipalities to place or construct or permit the placing or construction of objects on its highways under the terms set out; see also the note to section 14 of the Bill.

- (7) The moneys required for the purposes of subsections 3, ^{Moneys} 4, 5 and 6 shall be paid out of the Consolidated Revenue Fund.
- 16.** Section 377 of the said Act is amended by adding thereto <sup>s. 377,
amended</sup> the following paragraph:
- 1a. No by-law passed under paragraph 1 by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.
- 17.** Clause *f* of paragraph 1 of subsection 1 of section 381 of the <sup>s. 381 (1),
par. 1 (f),
amended</sup> said Act, is amended by striking out "but no licence fee in excess of \$2 shall be prescribed in the by-law without the approval of the Ministry" in the sixth, seventh and eighth lines.
- 18.** Subclause iii of clause *b* of paragraph 15 of section 383 of the <sup>s. 383,
par. 15 (b) iii,
amended</sup> said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4 and 1972, chapter 124, section 14, is further amended by inserting after "residence" in the amendment of 1971 "or for occupancy by a trailer that is assessed under *The Assessment Act*".
- 19.** Paragraph 3 of section 453 of the said Act, as amended by <sup>s. 453, par. 3,
re-enacted</sup> the Statutes of Ontario, 1973, chapter 175, section 6, is repealed and the following substituted therefor:
3. For placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain and use objects in, on, under or over sidewalks and highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways and sidewalks, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used, for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable, and for providing that, upon the termination of such privilege, the highway or sidewalk shall be restored to its former condition at the expense of the person to whom the privilege was granted, by filling in the area or opening or removing said object, or otherwise as may be required in the by-law.
- (a) Payment of such annual or other charge and expense ^{Charge} incurred by the municipal corporation in restoring

the highway or sidewalk to its former condition may be enforced in like manner as taxes that are due and payable.

Liability of corporation for damages

**s. 507,
re-enacted**

20. Section 507 of the said Act is repealed and the following substituted therefor:

**Interpreta-
tion**

507.—(1) In this section,

- (a) “commercial assessment” means,
 - (i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and
 - (ii) business assessment, and
 - (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines,

according to the last revised assessment roll;

- (b) “equalization factor” means the factor as determined by the Minister of Revenue;
- (c) “equalized commercial assessment” means the total of commercial assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (d) “equalized commercial assessment of the prior year” means the total commercial assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments;

SECTION 20. The re-enacted section provides a detailed procedure to be followed in the apportionment by a county council amongst its constituent municipalities of the sum to be levied for county purposes and provision is made for the payment of such sums by instalments.

- (e) "equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment" means the rate obtained when the total taxes levied on commercial assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized commercial assessment for the prior year;
- (f) "equalized residential and farm assessment" means the total of residential and farm assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (g) "equalized residential and farm assessment of the prior year" means the total residential and farm assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (h) "equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment" means the rate obtained when the total taxes levied on residential and farm assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized residential and farm assessment of the prior year;
- (i) "equivalent equalized assessment" means the amount determined by dividing that portion of a payment in lieu of taxes not credited to school purposes by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment and multiplying by 1,000;
- (j) "payment in lieu of taxes" means a payment allocated, received or entitled to be allocated or received in the immediately preceding year from,
 - (i) the Crown in right of Canada,
 - (ii) the Crown in right of Ontario, including payments under,

R.S.O. 1970,
c. 213

R.S.O. 1970,
c. 292

R.S.O. 1970,
c. 332

R.S.O. 1970,
c. 354

1973, c. 73

1971, c. 78

- B. *The Housing Development Act,*
- C. *The Municipal Tax Assistance Act,*
- D. *The Ontario Water Resources Act,*
- E. *The Power Corporation Act,*
- F. Subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973,*
- G. *The Provincial Parks Municipal Tax Assistance Act, 1971,*

(iii) section 304,

(iv) a telephone or telegraph company under section 304a,

(v) any other government, government agency or person where such payment is in lieu of taxes on real property and business assessment;

(k) "residential and farm assessment" means the assessment for real property except the assessment for real property in subclauses i and iii of clause a according to the last revised assessment roll.

Clerk to provide statement of equalized assessment

(2) The clerk of every township, town and village shall, on or before the 15th day of March in each year, provide in writing to the clerk of the county in which the municipality is located, a statement of the equalized assessment of the municipality.

Interpretation

(3) For the purposes of subsection 2, the equalized assessment for the year of a municipality shall be the sum of,

(a) the equivalent equalized assessment; and

(b) the equalized residential and farm assessment times the quotient obtained when the equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment is divided by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment; and

(c) the equalized commercial assessment.

County councils to apportion sums required for county purposes

(4) The council of every county shall, in each year, on or before the 1st day of April, by by-law, determine the

percentage share that each municipality within the county shall contribute for county purposes in the year, according to the proportion that the equalized assessment of each municipality bears to the total of the equalized assessments of all the municipalities within the county and such by-law shall also indicate the amount that each municipality is required to provide for county purposes in that year.

(5) The clerk of the county shall by the 15th day of April in each year, forward a copy of the by-law passed under subsection 4 to each municipality required to levy a rate for county purposes. By-law to be forwarded by county clerk

(6) Where, in the opinion of one or more municipalities, its percentage share as set out in the by-law passed under subsection 4 is not just and equitable, one or more of the municipalities may request the council of the county to review the by-law. Request for review

(7) Where the council of the county is of the opinion that the percentage share as set out in the by-law passed under subsection 4 is not just and equitable it may, on or before the 21st day of April, amend the by-law to make an apportionment for county purposes that is just and equitable. Amendment to by-law

(8) Where an amendment is made under subsection 7, the clerk of the county shall, on or before the 30th day of April, forward a copy of the amended by-law to each municipality in the county. Amended by-law to be forwarded by county clerk

(9) A municipality in a county that is not satisfied with the by-law passed under subsection 4 or 7 may appeal on or before the 10th day of May, by giving notice in writing, by registered mail, to the Municipal Board, the clerk of the county, and every municipality that is required to levy for county purposes. Appeal to O.M.B.

(10) Upon receipt of the notice of appeal under subsection 9, the Municipal Board shall arrange a time and place for hearing the appeal and shall send a notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing and dispose of the appeal before the 30th day of June next after the appeal. Hearing by O.M.B.

(11) The council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law that the amount required to be provided by each municipality according to the by-law passed under subsection 4 or 7 shall be paid to the county in the following instalments: Instalment payments

1. 25 per cent of the amount required for county purposes in the prior year, on or before the 31st day of March.
2. 50 per cent of the amount required for county purposes in the current year, less the amount of the instalment paid under paragraph 1, on or before the 30th day of June.
3. 25 per cent of such current amount on or before the 30th day of September.
4. 25 per cent of such current amount on or before the 15th day of December.

Idem

(12) Notwithstanding subsection 11, the council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law for any number of instalments and the amounts and due dates thereof other than those provided in subsection 11.

**Penalties
and
discounts**

(13) A by-law passed under subsection 11 or 12 shall provide that in the case of non-payment of any instalment or any portion thereof on the due dates, the municipality so in default shall pay to the county interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default, and where, with the consent of the council of the county, such instalments or any portion thereof are paid in advance of such dates the county shall allow to the municipality a discount thereon from the date of payment to the date upon which payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Adjustments

(14) Where, as a result of a decision of the Municipal Board on an appeal under subsection 9, there is an adjustment required to be provided for county purposes by any municipality, such adjustment shall be made by a municipality to the remaining instalments under subsection 11 or 12.

Refunds

(15) Where an adjustment under subsection 14 results in an overpayment having been made by a municipality of the total amount required to be provided by such municipality for county purposes in the year, such overpayment shall be refunded to the municipality by the council of the county within sixty days of the decision of the Municipal Board.

SECTION 21.—Subsection 1. The amendment relates to the duty of the municipal clerk in ascertaining the names and school support for the purpose of the preparation of the collector's roll and provides in the event of conflict which source of information is to take precedence.

Subsection 2. The amendment removes the authority from the clerk of the municipality to fix the last day for filing complaints for revision of the collector's roll; see the note to subsection 3.

Subsection 3. The amendment provides that the last day for determining complaints for revision in a non-election year shall be the second Friday in November; in election years the last date remains as the same as that fixed in respect of the preliminary list of electors under *The Municipal Elections Act, 1972*.

Subsection 4. The amendments relate to the statement to be sent by the clerk to the assessment commissioner and school board secretaries containing changes to the list after revision.

SECTION 22.—Subsection 1. The amendment relates to the duty of the assessment commissioner when he receives from the clerk of a municipality a list of lands liable to be sold for arrears of taxes; in addition to ascertaining if any lots or parcels of land are incorrectly described, he is to ascertain if the names of the owners and occupants are correct before verifying the list and returning it to the clerk.

Subsection 2. Complementary to subsection 1 by including in the certificate of the assessment commissioner, a reference to the names of the occupants and owners of lands on the list.

(16) Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Municipal Board shall adjust the percentage share that each municipality within the county shall contribute for county purposes.

(17) For the purposes of clauses *d*, *e*, *g* and *h* of sub-section 1, "taxes" and "total taxes" shall be deemed not to include taxes levied under section 43 of *The Assessment Act*.

- 21.**—(1) Subsection 2*a* of section 516 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by adding at the end thereof "and where there is a conflict between the information contained in the index book and the list supplied under section 23 of *The Assessment Act*, the information contained in the index book shall take precedence".
- (2) Subsection 2*c* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by striking out "date fixed by the clerk as the" in the sixth line.
- (3) Subsection 2*h* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by striking out "the clerk shall determine all such complaints not later than the 10th day" in the seventh and eighth lines and inserting in lieu thereof "the last day for filing and determining complaints shall be the second Friday".
- (4) Subsection 2*j* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by inserting after "list" in the fifth line "which shall include the assessment roll number of each change" and by adding at the end thereof "and in lieu of the statement of changes the clerk may forward copies of applications in the prescribed form referred to in subsection 2*d*".

- 22.**—(1) Subsection 1 of section 544 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 124, section 21, is amended by inserting after "described" in the eighth line "and to ascertain if the names of occupants and owners contained thereon are correct".
- (2) Subsection 3 of the said section 544 is repealed and the following substituted therefor:

Assessment
Com-
missioner's
certificate

(3) The Assessment Commissioner shall attach to each such list a certificate signed by him, and verified by oath or affirmation, in the form following:

I do certify that I have examined or caused to be examined all the lots and parcels of land and the names of the occupants and owners on this list named; and that I have entered on the attached memorandum any error discovered therein and that all the entries as amended are true and correct, to the best of my knowledge and belief.

s. 549 (1),
re-enacted

23. Subsection 1 of section 549 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 22, is repealed and the following substituted therefor:

Written
statement
of arrears

(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and, subject to clause *a*, may charge an amount for the cost of the search and certified statement on each separate parcel, but shall not make any charge to any person who forthwith pays the taxes.

(a) For the purposes of this subsection, "amount" means an amount not exceeding the administrative cost of the search and certified statement as determined by a by-law passed by council.

s. 636a (1),
amended

24. Subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended by adding thereto the following clause:

(ca) in respect of a mobile unit that was removed from the municipality during the year or during the preceding year after the return of the assessment roll; or

Commence-
ment

25. This Act comes into force on the day it receives Royal Assent.

Short title

26. This Act may be cited as *The Municipal Amendment Act, 1974 (No. 3)*.

SECTION 23. The treasurer is presently entitled to charge a fee of \$2 for each written statement of tax arrears that he gives; the amendment will permit a fee to be charged based on the administrative costs involved as determined by the council.

SECTION 24. The amendment adds a further circumstance under which an application may be made to a municipal council for a cancellation, reduction or refund of taxes levied in any year.

An Act to amend
The Municipal Act

1st Reading

December 19th, 1974

2nd Reading

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

CA2ON

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-B 56

BILL 182

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Municipal Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



(Reprinted as amended by the Committee of the Whole House)

TORONTO

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EXPLANATORY NOTES

SECTION 1. Presently, an improvement district must have a population of not less than 500 in order to be erected into a village but may be erected into a township only if it has a population of not less than 1,000; the amendments will permit any improvement district having a population of not less than 500 to be erected into either a village or a township, as the Municipal Board determines.

SECTION 2. When a municipality is annexed to another, certain by-laws of the annexed municipality remain in force until repealed by the council of the annexing municipality; the amendment adds to this category by-laws requiring a conveyance of land for park purposes as a condition of development or redevelopment of land for residential purposes.



SECTION 3. Municipalities are given general powers to make grants.



SECTION 4. The section added authorizes a county council to issue debentures on behalf of and at the request of the council of a municipality that forms part of the county.

BILL 182

1974

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 11 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “or a township”.

(2) Subsection 2 of the said section 11 is repealed.

s. 11 (2),
repealed

2. Section 18 of the said Act is amended by inserting after “1941” in the ninth line “and by-laws passed under section 35b of *The Planning Act*”.



3. The said Act is amended by adding thereto the following section:

248a. Notwithstanding any special provision in this Act, the council of every municipality may, subject to section 248, make grants to any person, institution, association, group or body of any kind, including a fund, within or outside the boundaries of the municipality for any purpose that, in the opinion of the council, is in the interests of the municipality.



4. The said Act is further amended by adding thereto the following sections:

256a.—(1) In this section and in section 256b, “municipality” means a town, not being a separated town, a village, or a township in a county.

(2) Where, under this or any other general Act, a municipality is authorized or required to provide moneys for any purposes, and it is necessary to raise such moneys by the issue of debentures, the council of the municipality may by

Request to
county to
issue
debentures

resolution request the council of the county in which it is situate to raise such moneys by the issue of debentures of the county.

County may issue debentures

(3) The council of the county shall consider the request at its next meeting following the receipt thereof, and if it approves the request, the council of the county may, without the assent of the electors, issue the debentures.

Proceeds

(4) Where, pursuant to subsection 3, a county has raised moneys for the purposes of a municipality by the issue and sale of debentures, by the hypothecation of debentures, or by temporary borrowings pending the issue and sale of debentures, the county shall pay over such moneys to the municipality from time to time as the municipality requires.

Special rate

(5) Where, pursuant to subsection 3, a county issues debentures, the council of the municipality on whose behalf the debentures are issued shall provide and raise by a special rate on all the rateable property in the municipality, in each year of the currency of the debentures, a sum sufficient to pay the principal and interest falling due in such year upon such debentures, and such sum shall be paid to the treasurer of the county that issued the debentures before the day such principal or interest becomes due.

Assent of electors

256b.—(1) Where, under any general or special Act, a municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the council of the county shall not pass a by-law authorizing the issue of debentures on behalf of such municipality for such purpose unless such assent or concurrence to the passing of the by-law by the council of the county has been obtained.

Proviso

R.S.O. 1970,
c. 323

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

s. 291 (1),
amended

5.—(1) Subsection 1 of section 291 of the said Act is amended by striking out “and subject to the approval of the Ministry” in the first and second lines.

s. 291 (3),
amended

(2) Subsection 3 of the said section 291 is amended by striking out “under the terms of an agreement approved by the Ministry” in the second and third lines.

s. 291 (5) (e),
amended

(3) Clause e of subsection 5 of the said section 291 is amended by striking out “with the approval of the Ministry” in the first line.

SECTION 5. The amendments remove the necessity of obtaining the approval of the Ministry in respect of the issuing of sinking fund debentures by a municipality.

SECTION 6. The subsection presently requires the approval of the Ministry to the issuing of debentures made payable in the currency of Great Britain or the United States of America; as re-enacted, that approval is not required but provision is added that any premium that may be received on such currency be set aside in a reserve fund for the purpose indicated.

SECTION 7.—Subsection 1. Municipalities in which a correctional institution is situate may levy an annual amount of up to \$50 upon each resident place in such institution; the amendment adds training schools as institutions in respect of which a similar levy may be made.

Subsection 2. Facilities under *The Developmental Services Act, 1974*, are added as institutions upon which municipalities may levy an annual amount.

Subsections 3 and 4. The amendments are complementary to those contained in subsections 1 and 2 and take into account the new institutions upon which a levy may be made.

6. Subsection 3 of section 292 of the said Act is repealed and <sup>s. 292 (3),
re-enacted</sup> the following substituted therefor:

(3) Every money by-law passed under this section shall provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

- 7.—(1) Subsection 2 of section 304 of the said Act, as re-enacted <sup>s. 304 (2),
amended</sup> by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by inserting after “institution” in the fourth line “or training school” and by inserting after “institution” in the sixth line and in the eighth line “or school”.

- (2) The said section 304 is amended by adding thereto the <sup>s. 304
amended</sup> following subsections:

(3a) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a facility under *The Developmental Services Act, 1974*, designated by the Lieutenant Governor in Council, may pass by-laws to levy an annual amount, payable on or after the 1st day of July upon such facility, not exceeding the sum of \$50 a year for each provincially rated bed as determined by the Minister of Community and Social Services.



(3b) For the purposes of subsection 3a, the designation by the Lieutenant Governor in Council and the determination by the Minister of Community and Social Services mentioned in that subsection, made in 1975, shall apply in respect of 1974 and a levy may be made in 1975 in respect of both 1974 and 1975 upon such designated facilities.



- (3) Subsections 5 and 6 of the said section 304, as enacted <sup>s. 304 (5, 6),
re-enacted</sup> by the Statutes of Ontario, 1973, chapter 83, section 4, are repealed and the following substituted therefor:

(5) A municipality in which an institution designated pursuant to subsection 2, 3 or 3a is situate may enter into an agreement with one or more municipalities for the providing of municipal service or services to such institution.

- (6) The Minister may direct a municipality in which an institution designated pursuant to subsection 2, 3 or 3a is <sup>Minister
may direct
agreement be
entered into</sup>

situate to enter into an agreement with another municipality for the providing of any municipal service or services to such institution on such terms as the Minister may stipulate.

s. 304 (8),
amended

(4) Subsection 8 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "to a hospital or correctional institution" in the fourth and fifth lines and inserting in lieu thereof "to institutions designated pursuant to subsection 2, 3 or 3a".

s. 304 (9),
re-enacted

(5) Subsection 9 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is repealed and the following substituted therefor:

Equalized
assessment
of munici-
pality
deemed
increased

(9) The equalized assessment of a municipality that levies under this section shall be deemed for apportionment purposes other than for school purposes, county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year, by the total equalized commercial and industrial assessment for the preceding year, times 1,000.

Exclusion of
taxes added
to collector's
roll under
R.S.O. 1970,
c. 32, s. 43

(9a) In determining the taxes levied on commercial and industrial assessment under subsection 9, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

s. 304 (12),
amended

(6) Subsection 12 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "residential and farm property" in the sixth line and in the eighth line and inserting in lieu thereof in each instance "commercial and industrial assessment".

(7) The said section 304, as amended by the Statutes of Ontario, 1971, chapter 81, section 1 and 1973, chapter 83, section 4, is further amended by adding thereto the following subsection:

Where
municipal
boundaries
adjusted,
etc.

(12a) For the purposes of subsection 12, where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year.

Subsection 5. The manner in which is to be determined the amount by which the equalized assessment of a municipality that levies under this provision is deemed increased for apportionment purposes is restated.

Subsection 6. The basis upon which a municipality is to allocate the levies under this provision among the bodies for which it levies a rate is changed so as to be based on the taxes levied in the preceding year on commercial and industrial assessment rather than on residential and farm property.

Subsection 7. In the circumstances indicated, the allocation is to be based on the estimated taxes for the current year rather than the taxes levied in the preceding year.

SECTION 8.—Subsection 1. The subsections added provide for a levy by municipalities on receipts of telephone companies arising out of traffic agreements with other telephone companies, such receipts to be calculated and attributed in the manner set out.

8.—(1) Section 304a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6 and amended by 1973, chapter 83, section 5, is further amended by adding thereto the following subsections:

(3a) In addition to the statement to be submitted under subsection 1, every telephone company that is entitled to receipts from another telephone company under a traffic agreement for any year ending the 31st day of December shall, on or before the 1st day of March of the following year, transmit to the clerk of each local municipality to which any portion of such receipts is attributable, a statement in writing, setting out the amount of such receipts attributable to that local municipality.

(3b) For the purpose of enabling a company to arrive at the amount of receipts attributable to a local municipality under subsection 3a, each telephone company which makes payment to another telephone company under the terms of a traffic agreement shall compile a return in writing showing the name of each local municipality in Ontario in which it operates, the number of telephones connected to its system in each such municipality, and the total number of telephones connected to its system in all such municipalities as at the last preceding 31st day of December and shall on or before the 14th day of February in the following year transmit the return to the company to which it has made such payment and a copy of the said return to the clerk of each municipality cited in the return.

(3c) Each telephone company receiving a return from another telephone company under subsection 3b shall attribute the receipts acquired during the next preceding year ending the 31st day of December under its traffic agreement with such other company to each local municipality specified in the return in the ratio that the number of telephones shown on the return for each such municipality bears to the total number of telephones shown on the return and the amount so attributed shall be the amount referred to in subsection 3a.

(3d) A traffic agreement between two telephone companies, each of which connects to more than one other telephone company in Ontario for the purpose of toll traffic, shall be deemed not to be a traffic agreement for the purposes of subsections 3a, 3b and 3c.

(3e) The Lieutenant Governor in Council may make regulations prescribing the items to be included or excluded in calculating and ascertaining receipts under a traffic agreement for the purposes of subsections 3a and 3c and a regulation made under this subsection shall, if it so provides, be effective with reference to a period before it was filed.

- Rate of tax
R.S.O. 1970,
c. 405
- s. 304a (5),
amended
- s. 304a,
amended
- Idem
- s. 304a (8),
re-enacted
- Equalized assessment of municipality deemed increased
- Exclusion of taxes added to collector's roll under R.S.O. 1970, c. 32, s. 43
- s. 304a (10),
re-enacted
- Notification of amount of assessment increase
- (4a) In 1975 and each year thereafter, the council of each local municipality shall, at the same time as a levy is made under section 302 of this Act or under section 7 of *The Regional Municipal Grants Act*, levy on each company from which a statement is received under subsection 3a an annual tax of an amount equal to 5 per cent of the total of the traffic agreement receipts of such company as shown on the statement.
- (2) Subsection 5 of the said section 304a, as enacted by the Statutes of Ontario, 1973, chapter 83, section 5, is amended by striking out "4 per cent in 1974 and 5 per cent in 1975 and each year thereafter" in the fourth and fifth lines and inserting in lieu thereof "and 4 per cent in 1974".
- (3) The said section 304a is further amended by adding thereto the following subsection:
- (5a) Notwithstanding subsection 4, where there are less than 4,000 telephones connected to a company's system the annual tax referred to in subsection 4 shall be 4 per cent in 1975 and 1976 and 5 per cent in 1977 and each year thereafter.
- (4) Subsection 8 of the said section 304a is repealed and the following substituted therefor:
- (8) The equalized assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes other than for separate school purposes or county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes on the commercial and industrial assessment of public school supporters, in the preceding year, by the total equalized commercial and industrial assessment of public school supporters for the preceding year, times 1,000.
- (8a) In determining the taxes levied on commercial and industrial assessment under subsection 8, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.
- (5) Subsection 10 of the said section 304a is repealed and the following substituted therefor:
- (10) The clerk of every municipality that levies a tax under this section shall, on or before the 15th day of March in each year, transmit to each body for which the muni-

Subsections 2 and 3. The basic tax to be levied on telephone companies under this section of the Act is 5 per cent of the gross receipts but companies having less than 2,000 telephones receive the benefit of a sliding scale of 3 per cent in 1973 and, in 1974, 4 per cent; the effect of the amendments in these two subsections is to extend the 4 per cent rate to such companies for the years 1975 and 1976 and to provide that in 1975 and 1976 the 4 per cent rate will apply to telephone companies having less than 4,000 telephones.

Subsection 4. The manner in which is to be determined the amount by which the equalized assessment of a municipality that levies a tax under this section of the Act is deemed increased for apportionment purposes is restated.

Subsection 5. The date by which the statement referred to is to be transmitted by the clerk of a municipality is changed to the 15th day of March; presently, the clerk is required to transmit such statement within 14 days of receiving the statement of gross receipts from each telephone company.

Subsection 6. Complementary to subsection 1 by taking into account the tax now to be levied on traffic agreement receipts.

Subsection 7. In the circumstances indicated, the allocation by a municipality of the taxes levied under this section of the Act among the bodies for which it levies a rate is to be based on the estimated taxes for the current year rather than the taxes levied in the preceding year.

SECTION 9. The amendment permits municipalities to provide for any reserves it considers necessary in preparing its yearly estimates; presently, the approval of the Ministry is required.

SECTION 10. Municipalities are entitled to establish reserve funds and the moneys are to be used only for the purposes for which the fund was established, except with the approval of the Ministry; the amendment substitutes a two-thirds vote of the members of council for the approval of the Ministry.

SECTION 11. The amendment removes the necessity of obtaining the approval of the Ministry to the expenditure for another purpose of moneys contributed to a municipality in consideration of expenses to be incurred as a result of a proposed subdivision in cases where the moneys are not required for the purposes for which they were contributed.

SECTION 12. The powers of a municipality to invest any of its moneys not immediately required are enlarged.

cipality levies a rate, except a separate school board and a county council, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8.

- (6) Subsection 11 of the said section 304a is amended by <sup>s. 304a (11),
amended</sup> striking out "may, in the year 1973, and thereafter in each year shall, allocate a portion of the tax levied under subsection 4" in the first, second and third lines and inserting in lieu thereof "shall allocate a portion of the tax levied under subsections 4 and 4a".
- (7) The said section 304a is further amended by adding <sup>s. 304a,
amended</sup> thereto the following subsection:
- (11a) For the purposes of subsection 11, where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year. ^{Where municipal boundaries adjusted, etc.}
9. Subsection 2 of section 307 of the said Act is amended by <sup>s. 307 (2),
amended</sup> striking out "other reserves within such limits as to type and amount as the Ministry may approve" in the seventh and eighth lines and inserting in lieu thereof "reserves as the council considers necessary".
10. Subsection 4 of section 308 of the said Act is amended by <sup>s. 308 (4),
amended</sup> striking out "without the approval of the Ministry" in the fourth line and inserting in lieu thereof "without a two-thirds vote of the members of the council".
11. Subsection 3 of section 309 of the said Act is amended by <sup>s. 309 (3),
amended</sup> striking out "with the approval of the Ministry" in the third and fourth lines.
12. Subsection 2 of section 312 of the said Act, as re-enacted by <sup>s. 312 (2),
re-enacted</sup> the Statutes of Ontario, 1972, chapter 124, section 8, is repealed and the following substituted therefor:
- (2) Where a municipality has moneys not required immediately by the municipality, such moneys may be, ^{Investment of moneys not immediately required}
- (a) invested in,
- (i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,
- (ii) debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*, <sup>R.S.O. 1970,
c. 254</sup>

R.S.C. 1970,
c. B-1

R.S.O. 1970,
c. 118

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; or

(b) advanced to the capital account of the municipality for the purpose of interim financing of capital undertakings of the municipality,

provided that the investments or advances to the capital account become due and payable by the day on which the moneys are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested or advanced.

s. 313,
amended

13. Section 313 of the said Act is amended by adding thereto the following subsection:

Idem

1973, c. 73

(1a) Notwithstanding subsection 1 of this section and section 320, where a local municipality having a population of not less than 20,000, as determined under *The Property Tax Stabilization Act*, 1973, has moneys received from the sale of debentures that are not required immediately for the purpose or purposes for which the debentures were issued, such moneys may be invested in the general fund of the municipality, provided that such moneys shall be returned to the debenture account,

(a) by the day on which the moneys are required for the purpose or purposes for which the debentures were issued; or

(b) not later than the 31st day of December of the year in which the moneys were so invested,

whichever the first occurs and interest shall be credited to the debenture account on the amount so invested, at a rate equal to the rate currently applicable to the temporary borrowings of the municipality.

s. 352, pars.
59, 61, 62,
62a
repealed

14. Paragraphs 59, 61 and 62, and paragraph 62a as enacted by the Statutes of Ontario, 1972, chapter 124, section 9, of section 352 of the said Act, are repealed.

s. 354 (1),
amended

15.—(1) Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

SECTION 13. Municipalities in the category mentioned are given the power to invest in the general fund of the municipality debenture sale proceeds that are not immediately required.

SECTION 14. The powers contained in the paragraphs being repealed are consolidated and will now be found in paragraph 3 of section 453 of the Act; see the note to section 20 of the Bill.

SECTION 15.—Subsection 1. Municipalities are given the power to designate private roadways as fire routes and to prohibit the parking of vehicles thereon; voluntary payment out of court of penalties imposed is provided for and the expenses of removing and storing a vehicle are a lien on the vehicle.

Subsection 2. Moneys received on the sale of industrial lands by a municipality may be used for a purpose other than retiring any debt outstanding in respect of the acquisition of the land or in respect of the cost of any services supplied to the land on the vote of three-fourths of the council members, rather than with the approval of the Ministry.

Subsection 3. The approval of the Ministry will no longer be required to the disposition for some other purpose of lands acquired for industrial sites.

Subsection 4. Municipalities may license trailers located in the municipality and charge a licence fee of up to \$20 per month; the amendment excepts trailers assessed under *The Assessment Act* in order to avoid the duplication involved in paying both a licence fee and municipal taxes in respect of the same trailer.

SECTION 16. This section provides for the refund by municipalities of licence fees paid in respect of trailers that were also assessed under *The Assessment Act* and taxed under *The Municipal Act*. It provides also for the Minister to make payment to municipalities under the circumstances indicated to compensate them for certain revenue losses arising out of the non-licensing of trailers.

45a. Notwithstanding paragraph 112, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof.

Designating
fire routes
and prohibi-
ting parking
thereon

- (a) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.
 - (b) Subsection 13 of section 116 of *The Highway Traffic Act* R.S.O. 1970, c. 202 applies to a by-law passed under this paragraph.
 - (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.
- (2) Clause *a* of paragraph 50 of subsection 1 of the said section 354 is amended by striking out "the Ministry, upon the request of the council, approves the use of any such moneys for another purpose" in the ninth, tenth and eleventh lines and inserting in lieu thereof "on the vote of three-fourths of all the members of the council the use of such moneys is directed for another purpose".
- (3) Clause *c* of paragraph 50 of subsection 1 of the said section 354 is amended by striking out "with the approval of the Ministry" in the sixth line.
- (4) Paragraph 87 of subsection 1 of the said section 354 is amended by adding thereto the following clause:

- (c) No licence fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

s. 354 (1),
par. 50 (a),
amended

- 16.—(1)** Where in the year 1973 or 1974 licence fees were paid in respect of any trailer pursuant to paragraph 87 of subsection 1 of section 354 of *The Municipal Act* or in respect of any lot occupied by a trailer pursuant to paragraph 15 of section 383 of the said Act, the municipality that collected such licence fees shall, on the application of the owner of the trailer in respect of which such fees were paid, refund to such person all or such portion of the fees as were paid in respect of a period for which the trailer was assessed under *The Assessment Act* and for which taxes have been paid under *The Municipal Act*.

Refund of
licensing
fees
R.S.O. 1970,
cc. 284, 32

Refund to be deducted from school board requisition
R.S.O. 1970,
c. 424

- (2) Where a municipality has paid a portion of any licence fees refunded under subsection 1 to a public, separate or secondary school board pursuant to section 100 of *The Schools Administration Act*, the municipality shall deduct from the requisition of such school board for the year 1974 or 1975, the portion so paid.

Minister may by order pay moneys

- (3) Where a municipality in the year 1974 repealed all or part of a by-law passed under paragraph 87 of subsection 1 of section 354 or under paragraph 15 of section 383 and as a result collected no licence fees in respect of a trailer that was not assessable under *The Assessment Act* and for which taxes were not levied in the year 1974 under *The Municipal Act*, or in respect of a lot occupied by such trailer, the Minister may, by order, pay to such municipality upon application an amount equal to the licence fees that would have been imposed from the time of such repeal up to the 31st day of December, 1974.

Idem

- (4) Where a municipality has refunded licence fees collected for the year 1974 in respect of a trailer or a lot referred to in subsection 3, the Minister may, in an order made under subsection 3 provide for payment to such municipality of an amount equal to the licence fees refunded.

Idem

R.S.O. 1970,
cc. 284, 32

- (5) Where the total of all licence fees imposed by a municipality for the year 1973 under paragraph 87 of subsection 1 of section 354 and paragraph 15 of section 383 exceeds the sum of the taxes levied by the municipality on trailers for the year 1974 under *The Municipal Act* and licence fees imposed by the municipality in the year 1974 under paragraph 87 of subsection 1 of section 354 and paragraph 15 of section 383 in respect of trailers not assessable under *The Assessment Act*, or in respect of lots occupied by such trailers, including any amounts received by the municipality under subsections 3 and 4, the Minister may, by order, pay to the municipality upon application the amount by which the difference exceeds 2 per cent of the total taxation levied in 1974 by the municipality for all purposes other than school, county or regional purposes, however, such difference may be adjusted accordingly where the total of the trailers and lots subject to taxation or to payment of licence fees in the year 1974 is not equal to the total of such trailers and lots for the year 1973.

Idem

- (6) The Minister may, by order, pay in respect of the year 1975 to such municipalities as make application under subsection 5, 50 per cent of the amount paid to such municipalities under subsection 5.

SECTION 17. Municipalities may, by by-law, license, regulate and govern the owners and drivers of cabs; the amendment provides that in the case of the City of Mississauga such by-laws do not apply to cabs plying out of Toronto International Airport, saving only in respect of such cabs as are licensed by Mississauga.

SECTION 18. The amendment removes the limit on the maximum licence fee that municipalities may impose on itinerant salesmen.

SECTION 19. The amendment provides that no licence fee may be imposed by municipalities in respect of a lot in a trailer camp that is occupied by a trailer assessed under *The Assessment Act*; see also the note to section 16 of the Bill.

SECTION 20. The paragraph is recast in general terms to empower municipalities to place or construct or permit the placing or construction of objects on its highways under the terms set out; see also the note to section 14 of the Bill.

- (7) The moneys required for the purposes of subsections 3, ^{Moneys} 4, 5 and 6 shall be paid out of the Consolidated Revenue Fund.
17. Section 377 of the said Act is amended by adding thereto <sup>s. 377,
amended</sup> the following paragraph:
- 1a. No by-law passed under paragraph 1 by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.
18. Clause *f* of paragraph 1 of subsection 1 of section 381 of the <sup>s. 381(1),
par. 1(f),
amended</sup> said Act, is amended by striking out "but no licence fee in excess of \$2 shall be prescribed in the by-law without the approval of the Ministry" in the sixth, seventh and eighth lines.
19. Subclause iii of clause *b* of paragraph 15 of section 383 of the <sup>s. 383,
par. 15(b) iii,
amended</sup> said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4 and 1972, chapter 124, section 14, is further amended by inserting after "residence" in the amendment of 1971 "or for occupancy by a trailer that is assessed under *The Assessment Act*".
20. Paragraph 3 of section 453 of the said Act, as amended by <sup>s. 453, par. 3,
re-enacted</sup> the Statutes of Ontario, 1973, chapter 175, section 6, is repealed and the following substituted therefor:
3. For placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain and use objects in, on, under or over sidewalks and highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways and sidewalks, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used, for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable, and for providing that, upon the termination of such privilege, the highway or sidewalk shall be restored to its former condition at the expense of the person to whom the privilege was granted, by filling in the area or opening or removing said object, or otherwise as may be required in the by-law.
- (a) Payment of such annual or other charge and expense ^{Charge} incurred by the municipal corporation in restoring

the highway or sidewalk to its former condition may be enforced in like manner as taxes that are due and payable.

Liability of corporation for damages

- (b) Subject to section 434, the municipal corporation is liable for any want of repair of the highway that may result from the construction, installation, maintenance or use of any such area or opening, or such other object.

**s. 507,
re-enacted**

21. Section 507 of the said Act is repealed and the following substituted therefor:

Interpretation

507.—(1) In this section,

- (a) “commercial assessment” means,
 - (i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and
 - (ii) business assessment, and
 - (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines,

according to the last revised assessment roll;

- (b) “equalization factor” means the factor as determined by the Minister of Revenue;
- (c) “equalized commercial assessment” means the total of commercial assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (d) “equalized commercial assessment of the prior year” means the total commercial assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments;

SECTION 21. The re-enacted section provides a detailed procedure to be followed in the apportionment by a county council amongst its constituent municipalities of the sum to be levied for county purposes and provision is made for the payment of such sums by instalments.

- (e) "equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment" means the rate obtained when the total taxes levied on commercial assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized commercial assessment for the prior year;
- (f) "equalized residential and farm assessment" means the total of residential and farm assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (g) "equalized residential and farm assessment of the prior year" means the total residential and farm assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (h) "equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment" means the rate obtained when the total taxes levied on residential and farm assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized residential and farm assessment of the prior year;
- (i) "equivalent equalized assessment" means the amount determined by dividing that portion of a payment in lieu of taxes not credited to school purposes by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment and multiplying by 1,000;
- (j) "payment in lieu of taxes" means a payment allocated, received or entitled to be allocated or received in the immediately preceding year from,
 - (i) the Crown in right of Canada,
 - (ii) the Crown in right of Ontario, including payments under,

R.S.O. 1970,
c. 213

R.S.O. 1970,
c. 292

R.S.O. 1970,
c. 332

R.S.O. 1970,
c. 354

1973, c. 73

1974, c. 110

- B. *The Housing Development Act,*
- C. *The Municipal Tax Assistance Act,*
- D. *The Ontario Water Resources Act,*
- E. *The Power Corporation Act,*
- F. Subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973,*
- G. *The Provincial Parks Municipal Tax Assistance Act, 1974,*

(iii) section 304,

(iv) a telephone or telegraph company under section 304a,

(v) any other government, government agency or person where such payment is in lieu of taxes on real property and business assessment;

(k) “residential and farm assessment” means the assessment for real property except the assessment for real property in subclauses i and iii of clause a according to the last revised assessment roll.

Clerk to
provide state-
ment of equal-
ized assess-
ment

(2) The clerk of every township, town and village shall, on or before the 15th day of March in each year, provide in writing to the clerk of the county in which the municipality is located, a statement of the equalized assessment of the municipality.

Interpreta-
tion

(3) For the purposes of subsection 2, the equalized assessment for the year of a municipality shall be the sum of,

(a) the equivalent equalized assessment; and

(b) the equalized residential and farm assessment times the quotient obtained when the equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment is divided by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment; and

(c) the equalized commercial assessment.

County
councils to
apportion
sums required
for county
purposes

(4) The council of every county shall, in each year, on or before the 1st day of April, by by-law, determine the

percentage share that each municipality within the county shall contribute for county purposes in the year, according to the proportion that the equalized assessment of each municipality bears to the total of the equalized assessments of all the municipalities within the county and such by-law shall also indicate the amount that each municipality is required to provide for county purposes in that year.

(5) The clerk of the county shall by the 15th day of April in each year, forward a copy of the by-law passed under subsection 4 to each municipality required to levy a rate for county purposes.

(6) Where, in the opinion of one or more municipalities, its percentage share as set out in the by-law passed under subsection 4 is not just and equitable, one or more of the municipalities may request the council of the county to review the by-law.

(7) Where the council of the county is of the opinion that the percentage share as set out in the by-law passed under subsection 4 is not just and equitable it may, on or before the 21st day of April, amend the by-law to make an apportionment for county purposes that is just and equitable.

(8) Where an amendment is made under subsection 7, the clerk of the county shall, on or before the 30th day of April, forward a copy of the amended by-law to each municipality in the county.

(9) A municipality in a county that is not satisfied with the by-law passed under subsection 4 or 7 may appeal on or before the 10th day of May, by giving notice in writing, by registered mail, to the Municipal Board, the clerk of the county, and every municipality that is required to levy for county purposes.

(10) Upon receipt of the notice of appeal under subsection 9, the Municipal Board shall arrange a time and place for hearing the appeal and shall send a notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing and dispose of the appeal before the 30th day of June next after the appeal.

(11) The council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law that the amount required to be provided by each municipality according to the by-law passed under subsection 4 or 7 shall be paid to the county in the following instalments:

1. 25 per cent of the amount required for county purposes in the prior year, on or before the 31st day of March.
2. 50 per cent of the amount required for county purposes in the current year, less the amount of the instalment paid under paragraph 1, on or before the 30th day of June.
3. 25 per cent of such current amount on or before the 30th day of September.
4. 25 per cent of such current amount on or before the 15th day of December.

Idem

(12) Notwithstanding subsection 11, the council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law for any number of instalments and the amounts and due dates thereof other than those provided in subsection 11.

*Penalties
and
discounts*

(13) A by-law passed under subsection 11 or 12 shall provide that in the case of non-payment of any instalment or any portion thereof on the due dates, the municipality so in default shall pay to the county interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default, and where, with the consent of the council of the county, such instalments or any portion thereof are paid in advance of such dates the county shall allow to the municipality a discount thereon from the date of payment to the date upon which payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Adjustments

(14) Where, as a result of a decision of the Municipal Board on an appeal under subsection 9, there is an adjustment required to be provided for county purposes by any municipality, such adjustment shall be made by a municipality to the remaining instalments under subsection 11 or 12.

Refunds

(15) Where an adjustment under subsection 14 results in an overpayment having been made by a municipality of the total amount required to be provided by such municipality for county purposes in the year, such overpayment shall be refunded to the municipality by the council of the county within sixty days of the decision of the Municipal Board.

SECTION 22.—Subsection 1. The amendment removes the authority from the clerk of the municipality to fix the last day for filing complaints for revision of the collector's roll; see the note to subsection 2.

Subsection 2. The amendment provides that the last day for determining complaints for revision in a non-election year shall be the second Friday in November; in election years the last date remains as the same as that fixed in respect of the preliminary list of electors under *The Municipal Elections Act, 1972*.

Subsection 3. The amendments relate to the statement to be sent by the clerk to the assessment commissioner and school board secretaries containing changes to the list after revision.

SECTION 23.—Subsection 1. The amendment relates to the duty of the assessment commissioner when he receives from the clerk of a municipality a list of lands liable to be sold for arrears of taxes; in addition to ascertaining if any lots or parcels of land are incorrectly described, he is to ascertain if the names of the owners and occupants are correct before verifying the list and returning it to the clerk.

Subsection 2. Complementary to subsection 1 by including in the certificate of the assessment commissioner, a reference to the names of the occupants and owners of lands on the list.

(16) Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Municipal Board shall adjust the percentage share that each municipality within the county shall contribute for county purposes.

(17) For the purposes of clauses *d*, *e*, *g* and *h* of sub-section 1, "taxes" and "total taxes" shall be deemed not to include taxes levied under section 43 of *The Assessment Act*.

22.—(1) Subsection 2*c* of section 516 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by striking out "date fixed by the clerk as the" in the sixth line.

(2) Subsection 2*h* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by striking out "the clerk shall determine all such complaints not later than the 10th day" in the seventh and eighth lines and inserting in lieu thereof "the last day for filing and determining complaints shall be the second Friday".

(3) Subsection 2*j* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by inserting after "list" in the fifth line "which shall include the assessment roll number of each change" and by adding at the end thereof "and in lieu of the statement of changes the clerk may forward copies of applications in the prescribed form referred to in subsection 2*d*".

23.—(1) Subsection 1 of section 544 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 124, section 21, is amended by inserting after "described" in the eighth line "and to ascertain if the names of occupants and owners contained thereon are correct".

(2) Subsection 3 of the said section 544 is repealed and the following substituted therefor:

(3) The Assessment Commissioner shall attach to each such list a certificate signed by him, and verified by oath or affirmation, in the form following:

I do certify that I have examined or caused to be examined all the lots and parcels of land and the names of the occupants and owners on this list named; and that I have entered on the attached memorandum any error discovered therein and that all the entries as amended are true and correct, to the best of my knowledge and belief.

s. 549 (1),
re-enacted

24. Subsection 1 of section 549 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 22, is repealed and the following substituted therefor:

Written
statement
of arrears

(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and, subject to clause *a*, may charge an amount for the cost of the search and certified statement on each separate parcel, but shall not make any charge to any person who forthwith pays the taxes.

(a) For the purposes of this subsection, "amount" means an amount not exceeding the administrative cost of the search and certified statement as determined by a by-law passed by council.

s. 636a (1),
amended

25. Subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended by adding thereto the following clause:

(ca) in respect of a mobile unit that was removed from the municipality during the year or during the preceding year after the return of the assessment roll; or



Commencement

26.—(1) This Act, except subsection 2 of section 7, subsection 4 of section 15, and sections 19 and 21, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 7 shall be deemed to have come into force on the 1st day of January, 1974.

Idem

(3) Subsection 4 of section 15 and section 19 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

(4) Section 21 comes into force on the 1st day of January, 1976.



Short title

27. This Act may be cited as *The Municipal Amendment Act, 1974 (No. 3)*.

SECTION 24. The treasurer is presently entitled to charge a fee of \$2 for each written statement of tax arrears that he gives; the amendment will permit a fee to be charged based on the administrative costs involved as determined by the council.

SECTION 25. The amendment adds a further circumstance under which an application may be made to a municipal council for a cancellation, reduction or refund of taxes levied in any year.

An Act to amend
The Municipal Act

1st Reading

December 19th, 1974

2nd Reading

February 6th, 1975

3rd Reading

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(Reprinted as amended by the Committee of the Whole House)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Municipal Act

THE HON. J. WHITE
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

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BILL 182

1974

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 11 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “or a township”. s. 11 (1),
amended
- (2) Subsection 2 of the said section 11 is repealed. s. 11 (2),
repealed
2. Section 18 of the said Act is amended by inserting after “1941” in the ninth line “and by-laws passed under section 35b of *The Planning Act*”. s. 18,
amended
3. The said Act is amended by adding thereto the following section: s. 248a,
enacted

248a. Notwithstanding any special provision in this Act, the council of every municipality may, subject to section 248, make grants to any person, institution, association, group or body of any kind, including a fund, within or outside the boundaries of the municipality for any purpose that, in the opinion of the council, is in the interests of the municipality. General power
to make grants
4. The said Act is further amended by adding thereto the following sections: ss. 256a, 256b,
enacted
 - 256a.—(1) In this section and in section 256b, “municipality” means a town, not being a separated town, a village, or a township in a county. Interpreta-
tion
 - (2) Where, under this or any other general Act, a municipality is authorized or required to provide moneys for any purposes, and it is necessary to raise such moneys by the issue of debentures, the council of the municipality may by Request to
county to
issue
debentures

resolution request the council of the county in which it is situate to raise such moneys by the issue of debentures of the county.

County may issue debentures

(3) The council of the county shall consider the request at its next meeting following the receipt thereof, and if it approves the request, the council of the county may, without the assent of the electors, issue the debentures.

Proceeds

(4) Where, pursuant to subsection 3, a county has raised moneys for the purposes of a municipality by the issue and sale of debentures, by the hypothecation of debentures, or by temporary borrowings pending the issue and sale of debentures, the county shall pay over such moneys to the municipality from time to time as the municipality requires.

Special rate

(5) Where, pursuant to subsection 3, a county issues debentures, the council of the municipality on whose behalf the debentures are issued shall provide and raise by a special rate on all the rateable property in the municipality, in each year of the currency of the debentures, a sum sufficient to pay the principal and interest falling due in such year upon such debentures, and such sum shall be paid to the treasurer of the county that issued the debentures before the day such principal or interest becomes due.

Assent of electors

256b.—(1) Where, under any general or special Act, a municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the council of the county shall not pass a by-law authorizing the issue of debentures on behalf of such municipality for such purpose unless such assent or concurrence to the passing of the by-law by the council of the county has been obtained.

Proviso

R.S.O. 1970, c. 323

(2) Nothing in subsection 1 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

5.—(1) Subsection 1 of section 291 of the said Act is amended by striking out “and subject to the approval of the Ministry” in the first and second lines.

(2) Subsection 3 of the said section 291 is amended by striking out “under the terms of an agreement approved by the Ministry” in the second and third lines.

(3) Clause e of subsection 5 of the said section 291 is amended by striking out “with the approval of the Ministry” in the first line.

s. 291 (1), amended

s. 291 (3), amended

s. 291 (5) (e), amended

6. Subsection 3 of section 292 of the said Act is repealed and ^{s. 292 (3), re-enacted} the following substituted therefor:

(3) Every money by-law passed under this section shall provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law.

- 7.—(1) Subsection 2 of section 304 of the said Act, as re-enacted ^{s. 304 (2), amended} by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by inserting after “institution” in the fourth line “or training school” and by inserting after “institution” in the sixth line and in the eighth line “or school”.

- (2) The said section 304 is amended by adding thereto the ^{s. 304} _{amended} following subsections:

(3a) Notwithstanding any general or special Act, the council of a local municipality designated by the Lieutenant Governor in Council, in which there is situate a facility under *The Developmental Services Act, 1974*, designated by the Lieutenant Governor in Council, may pass by-laws to levy an annual amount, payable on or after the 1st day of July upon such facility, not exceeding the sum of \$50 a year for each provincially rated bed as determined by the Minister of Community and Social Services.

(3b) For the purposes of subsection 3a, the designation by the Lieutenant Governor in Council and the determination by the Minister of Community and Social Services mentioned in that subsection, made in 1975, shall apply in respect of 1974 and a levy may be made in 1975 in respect of both 1974 and 1975 upon such designated facilities.

- (3) Subsections 5 and 6 of the said section 304, as enacted ^{s. 304 (5, 6), re-enacted} by the Statutes of Ontario, 1973, chapter 83, section 4, are repealed and the following substituted therefor:

(5) A municipality in which an institution designated pursuant to subsection 2, 3 or 3a is situate may enter into an agreement with one or more municipalities for the providing of municipal service or services to such institution.

(6) The Minister may direct a municipality in which an institution designated pursuant to subsection 2, 3 or 3a is ^{Minister may direct agreement be entered into}

situate to enter into an agreement with another municipality for the providing of any municipal service or services to such institution on such terms as the Minister may stipulate.

s. 304 (8),
amended

(4) Subsection 8 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "to a hospital or correctional institution" in the fourth and fifth lines and inserting in lieu thereof "to institutions designated pursuant to subsection 2, 3 or 3a".

s. 304 (9),
re-enacted

(5) Subsection 9 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is repealed and the following substituted therefor:

Equalized
assessment
of munici-
pality
deemed
increased

(9) The equalized assessment of a municipality that levies under this section shall be deemed for apportionment purposes other than for school purposes, county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes other than school purposes on commercial and industrial assessment in the preceding year, by the total equalized commercial and industrial assessment for the preceding year, times 1,000.

Exclusion of
taxes added
to collector's
roll under
R.S.O. 1970,
c. 32, s. 43

(9a) In determining the taxes levied on commercial and industrial assessment under subsection 9, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

s. 304 (12),
amended

(6) Subsection 12 of the said section 304, as enacted by the Statutes of Ontario, 1973, chapter 83, section 4, is amended by striking out "residential and farm property" in the sixth line and in the eighth line and inserting in lieu thereof in each instance "commercial and industrial assessment".

s. 304,
amended

(7) The said section 304, as amended by the Statutes of Ontario, 1971, chapter 81, section 1 and 1973, chapter 83, section 4, is further amended by adding thereto the following subsection:

Where
municipal
boundaries
adjusted,
etc.

(12a) For the purposes of subsection 12, where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year.

8.—(1) Section 304a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 6 and amended by 1973, chapter 83, section 5, is further amended by adding thereto the following subsections:

(3a) In addition to the statement to be submitted under subsection 1, every telephone company that is entitled to receipts from another telephone company under a traffic agreement for any year ending the 31st day of December shall, on or before the 1st day of March of the following year, transmit to the clerk of each local municipality to which any portion of such receipts is attributable, a statement in writing, setting out the amount of such receipts attributable to that local municipality.

(3b) For the purpose of enabling a company to arrive at the amount of receipts attributable to a local municipality under subsection 3a, each telephone company which makes payment to another telephone company under the terms of a traffic agreement shall compile a return in writing showing the name of each local municipality in Ontario in which it operates, the number of telephones connected to its system in each such municipality, and the total number of telephones connected to its system in all such municipalities as at the last preceding 31st day of December and shall on or before the 14th day of February in the following year transmit the return to the company to which it has made such payment and a copy of the said return to the clerk of each municipality cited in the return.

(3c) Each telephone company receiving a return from another telephone company under subsection 3b shall attribute the receipts acquired during the next preceding year ending the 31st day of December under its traffic agreement with such other company to each local municipality specified in the return in the ratio that the number of telephones shown on the return for each such municipality bears to the total number of telephones shown on the return and the amount so attributed shall be the amount referred to in subsection 3a.

(3d) A traffic agreement between two telephone companies, each of which connects to more than one other telephone company in Ontario for the purpose of toll traffic, shall be deemed not to be a traffic agreement for the purposes of subsections 3a, 3b and 3c.

(3e) The Lieutenant Governor in Council may make regulations prescribing the items to be included or excluded in calculating and ascertaining receipts under a traffic agreement for the purposes of subsections 3a and 3c and a regulation made under this subsection shall, if it so provides, be effective with reference to a period before it was filed.

Rate
of tax

R.S.O. 1970,
c. 405

s. 304a (5),
amended

s. 304a,
amended

Idem

s. 304a (8),
re-enacted

Equalized
assessment
of munici-
pality
deemed
increased

Exclusion
of taxes
added to
collector's
roll under
R.S.O. 1970,
c. 32, s. 43

s. 304a (10),
re-enacted

Notification
of amount of
assessment
increase

(4a) In 1975 and each year thereafter, the council of each local municipality shall, at the same time as a levy is made under section 302 of this Act or under section 7 of *The Regional Municipal Grants Act*, levy on each company from which a statement is received under subsection 3a an annual tax of an amount equal to 5 per cent of the total of the traffic agreement receipts of such company as shown on the statement.

(2) Subsection 5 of the said section 304a, as enacted by the Statutes of Ontario, 1973, chapter 83, section 5, is amended by striking out "4 per cent in 1974 and 5 per cent in 1975 and each year thereafter" in the fourth and fifth lines and inserting in lieu thereof "and 4 per cent in 1974".

(3) The said section 304a is further amended by adding thereto the following subsection:

(5a) Notwithstanding subsection 4, where there are less than 4,000 telephones connected to a company's system the annual tax referred to in subsection 4 shall be 4 per cent in 1975 and 1976 and 5 per cent in 1977 and each year thereafter.

(4) Subsection 8 of the said section 304a is repealed and the following substituted therefor:

(8) The equalized assessment of a municipality that levies a tax under this section shall be deemed for apportionment purposes other than for separate school purposes or county purposes, or for apportionment between merged areas, to be increased by an amount that would have produced the amount levied under this section by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes on the commercial and industrial assessment of public school supporters, in the preceding year, by the total equalized commercial and industrial assessment of public school supporters for the preceding year, times 1,000.

(8a) In determining the taxes levied on commercial and industrial assessment under subsection 8, there shall be excluded taxes on such assessment under section 43 of *The Assessment Act*.

(5) Subsection 10 of the said section 304a is repealed and the following substituted therefor:

(10) The clerk of every municipality that levies a tax under this section shall, on or before the 15th day of March in each year, transmit to each body for which the muni-

cipality levies a rate, except a separate school board and a county council, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8.

(6) Subsection 11 of the said section 304a is amended by <sup>s. 304a (11),
amended</sup> striking out "may, in the year 1973, and thereafter in each year shall, allocate a portion of the tax levied under subsection 4" in the first, second and third lines and inserting in lieu thereof "shall allocate a portion of the tax levied under subsections 4 and 4a".

(7) The said section 304a is further amended by adding <sup>s. 304a,
amended</sup> thereto the following subsection:

(11a) For the purposes of subsection 11, where municipal boundaries have been adjusted or where major changes in service responsibilities between upper and lower tier municipalities have taken place in the year, the estimated taxes to be levied in the current year shall be deemed to be the taxes levied in the preceding year. ^{Where municipal boundaries adjusted, etc.}

9. Subsection 2 of section 307 of the said Act is amended by <sup>s. 307 (2),
amended</sup> striking out "other reserves within such limits as to type and amount as the Ministry may approve" in the seventh and eighth lines and inserting in lieu thereof "reserves as the council considers necessary".

10. Subsection 4 of section 308 of the said Act is amended by <sup>s. 308 (4),
amended</sup> striking out "without the approval of the Ministry" in the fourth line and inserting in lieu thereof "without a two-thirds vote of the members of the council".

11. Subsection 3 of section 309 of the said Act is amended by <sup>s. 309 (3),
amended</sup> striking out "with the approval of the Ministry" in the third and fourth lines.

12. Subsection 2 of section 312 of the said Act, as re-enacted by <sup>s. 312 (2),
re-enacted</sup> the Statutes of Ontario, 1972, chapter 124, section 8, is repealed and the following substituted therefor:

(2) Where a municipality has moneys not required immediately by the municipality, such moneys may be, <sup>Investment
of moneys
not
immediately
required</sup>

(a) invested in,

(i) bonds, debentures, or other evidences of indebtedness of or guaranteed by the Government of Canada, the Province of Ontario, or any other province of Canada,

(ii) debentures, notes or guaranteed investment certificates of or term deposits with any trust company or loan corporation that is registered under *The Loan and Trust Corporations Act*,

<sup>R.S.O. 1970,
c. C-254</sup>

R.S.C. 1970,
c. B-1

R.S.O. 1970,
c. 118

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

(iv) loans by way of promissory notes of the borrower to any municipality, or to any local board as defined in *The Municipal Affairs Act*; or

(b) advanced to the capital account of the municipality for the purpose of interim financing of capital undertakings of the municipality,

provided that the investments or advances to the capital account become due and payable by the day on which the moneys are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys are invested or advanced.

s. 313,
amended

13. Section 313 of the said Act is amended by adding thereto the following subsection:

Idem

1973, c. 73

(1a) Notwithstanding subsection 1 of this section and section 320, where a local municipality having a population of not less than 20,000, as determined under *The Property Tax Stabilization Act, 1973*, has moneys received from the sale of debentures that are not required immediately for the purpose or purposes for which the debentures were issued, such moneys may be invested in the general fund of the municipality, provided that such moneys shall be returned to the debenture account,

(a) by the day on which the moneys are required for the purpose or purposes for which the debentures were issued; or

(b) not later than the 31st day of December of the year in which the moneys were so invested,

whichever the first occurs and interest shall be credited to the debenture account on the amount so invested, at a rate equal to the rate currently applicable to the temporary borrowings of the municipality.

s. 352, pars.
59, 61, 62,
62a
repealed

14. Paragraphs 59, 61 and 62, and paragraph 62a as enacted by the Statutes of Ontario, 1972, chapter 124, section 9, of section 352 of the said Act, are repealed.

s. 354 (1),
amended

15.—(1) Subsection 1 of section 354 of the said Act is amended by adding thereto the following paragraph:

45a. Notwithstanding paragraph 112, for designating private roadways as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle or vehicles parked or left along any fire route so designated at the expense of the owner thereof.

- (a) Clause *a* of paragraph 107 applies to penalties provided by a by-law passed under this paragraph.
- (b) Subsection 13 of section 116 of *The Highway Traffic Act* R.S.O. 1970, c. 202 applies to a by-law passed under this paragraph.
- (c) The driver of a motor vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this paragraph and the owner of the motor vehicle is also liable to such a penalty unless at the time the offence was committed the motor vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.
- (2) Clause *a* of paragraph 50 of subsection 1 of the said section 354 is amended by striking out "the Ministry, upon the request of the council, approves the use of any such moneys for another purpose" in the ninth, tenth and eleventh lines and inserting in lieu thereof "on the vote of three-fourths of all the members of the council the use of such moneys is directed for another purpose".
- (3) Clause *c* of paragraph 50 of subsection 1 of the said section 354 is amended by striking out "with the approval of the Ministry" in the sixth line.
- (4) Paragraph 87 of subsection 1 of the said section 354 is amended by adding thereto the following clause:

- (c) No licence fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

- 16.—(1)** Where in the year 1973 or 1974 licence fees were paid in respect of any trailer pursuant to paragraph 87 of subsection 1 of section 354 of *The Municipal Act* or in respect of any lot occupied by a trailer pursuant to paragraph 15 of section 383 of the said Act, the municipality that collected such licence fees shall, on the application of the owner of the trailer in respect of which such fees were paid, refund to such person all or such portion of the fees as were paid in respect of a period for which the trailer was assessed under *The Assessment Act* and for which taxes have been paid under *The Municipal Act*.

Refund to be deducted from school board requisition
R.S.O. 1970, c. 424

- (2) Where a municipality has paid a portion of any licence fees refunded under subsection 1 to a public, separate or secondary school board pursuant to section 100 of *The Schools Administration Act*, the municipality shall deduct from the requisition of such school board for the year 1974 or 1975, the portion so paid.

Minister may by order pay moneys

- (3) Where a municipality in the year 1974 repealed all or part of a by-law passed under paragraph 87 of subsection 1 of section 354 or under paragraph 15 of section 383 and as a result collected no licence fees in respect of a trailer that was not assessable under *The Assessment Act* and for which taxes were not levied in the year 1974 under *The Municipal Act*, or in respect of a lot occupied by such trailer, the Minister may, by order, pay to such municipality upon application an amount equal to the licence fees that would have been imposed from the time of such repeal up to the 31st day of December, 1974.

Idem

- (4) Where a municipality has refunded licence fees collected for the year 1974 in respect of a trailer or a lot referred to in subsection 3, the Minister may, in an order made under subsection 3 provide for payment to such municipality of an amount equal to the licence fees refunded.

Idem

R.S.O. 1970, c.c. 284, 32

- (5) Where the total of all licence fees imposed by a municipality for the year 1973 under paragraph 87 of subsection 1 of section 354 and paragraph 15 of section 383 exceeds the sum of the taxes levied by the municipality on trailers for the year 1974 under *The Municipal Act* and licence fees imposed by the municipality in the year 1974 under paragraph 87 of subsection 1 of section 354 and paragraph 15 of section 383 in respect of trailers not assessable under *The Assessment Act*, or in respect of lots occupied by such trailers, including any amounts received by the municipality under subsections 3 and 4, the Minister may, by order, pay to the municipality upon application the amount by which the difference exceeds 2 per cent of the total taxation levied in 1974 by the municipality for all purposes other than school, county or regional purposes, however, such difference may be adjusted accordingly where the total of the trailers and lots subject to taxation or to payment of licence fees in the year 1974 is not equal to the total of such trailers and lots for the year 1973.

Idem

- (6) The Minister may, by order, pay in respect of the year 1975 to such municipalities as make application under subsection 5, 50 per cent of the amount paid to such municipalities under subsection 5.

- (7) The moneys required for the purposes of subsections 3, ^{Moneys} 4, 5 and 6 shall be paid out of the Consolidated Revenue Fund.
- 17.** Section 377 of the said Act is amended by adding thereto <sup>s. 377,
amended</sup> the following paragraph:
- 1a. No by-law passed under paragraph 1 by the council of the City of Mississauga shall apply to owners and drivers of cabs, other than cabs licensed by the said council, while such cabs are engaged in the conveyance of goods or passengers, if such conveyance commenced at the Toronto International Airport.
- 18.** Clause *f* of paragraph 1 of subsection 1 of section 381 of the <sup>s. 381 (1),
par. 1 (f),
amended</sup> said Act, is amended by striking out "but no licence fee in excess of \$2 shall be prescribed in the by-law without the approval of the Ministry" in the sixth, seventh and eighth lines.
- 19.** Subclause iii of clause *b* of paragraph 15 of section 383 of the <sup>s. 383,
par. 15 (b) iii,
amended</sup> said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4 and 1972, chapter 124, section 14, is further amended by inserting after "residence" in the amendment of 1971 "or for occupancy by a trailer that is assessed under *The Assessment Act*".
- 20.** Paragraph 3 of section 453 of the said Act, as amended by <sup>s. 453, par. 3,
re-enacted</sup> the Statutes of Ontario, 1973, chapter 175, section 6, is repealed and the following substituted therefor:
3. For placing or permitting any person under such conditions as may be agreed upon to place, construct, install, maintain and use objects in, on, under or over sidewalks and highways under its jurisdiction, to permit any person to make, maintain and use areas under and openings in the highways and sidewalks, for prescribing the terms and conditions upon which the same are to be placed, constructed, installed, maintained or used, for making such annual or other charge for the privilege conferred by the by-law as it considers reasonable, and for providing that, upon the termination of such privilege, the highway or sidewalk shall be restored to its former condition at the expense of the person to whom the privilege was granted, by filling in the area or opening or removing said object, or otherwise as may be required in the by-law.
- (a) Payment of such annual or other charge and expense ^{Charge} incurred by the municipal corporation in restoring

the highway or sidewalk to its former condition may be enforced in like manner as taxes that are due and payable.

Liability of corporation for damages

- (b) Subject to section 434, the municipal corporation is liable for any want of repair of the highway that may result from the construction, installation, maintenance or use of any such area or opening, or such other object.

s. 507,
re-enacted

- 21.** Section 507 of the said Act is repealed and the following substituted therefor:

Interpreta-
tion

507.—(1) In this section,

- (a) “commercial assessment” means,
- (i) the assessment of real property that is used as the basis for computing business assessment including the assessment for real property that is rented and occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal corporation or local board thereof, and
 - (ii) business assessment, and
 - (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipe lines,
- according to the last revised assessment roll;
- (b) “equalization factor” means the factor as determined by the Minister of Revenue;
- (c) “equalized commercial assessment” means the total of commercial assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (d) “equalized commercial assessment of the prior year” means the total commercial assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments;

- (e) “equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment” means the rate obtained when the total taxes levied on commercial assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized commercial assessment for the prior year;
- (f) “equalized residential and farm assessment” means the total of residential and farm assessment as equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (g) “equalized residential and farm assessment of the prior year” means the total residential and farm assessment upon which taxes were levied for all purposes other than school purposes for the year prior to the year of apportionment equalized by the application of the equalization factor or factors applicable to the assessment or assessments;
- (h) “equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment” means the rate obtained when the total taxes levied on residential and farm assessment for all purposes other than school purposes for the year prior to the year of apportionment is divided by the total equalized residential and farm assessment of the prior year;
- (i) “equivalent equalized assessment” means the amount determined by dividing that portion of a payment in lieu of taxes not credited to school purposes by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment and multiplying by 1,000;
- (j) “payment in lieu of taxes” means a payment allocated, received or entitled to be allocated or received in the immediately preceding year from,
 - (i) the Crown in right of Canada,
 - (ii) the Crown in right of Ontario, including payments under,

R.S.O. 1970,
c. 213

R.S.O. 1970,
c. 292

R.S.O. 1970,
c. 332

R.S.O. 1970,
c. 354

1973, c. 73

1974, c. 110

- B. *The Housing Development Act,*
- C. *The Municipal Tax Assistance Act,*
- D. *The Ontario Water Resources Act,*
- E. *The Power Corporation Act,*
- F. Subsection 2 of section 3 of *The Property Tax Stabilization Act, 1973,*
- G. *The Provincial Parks Municipal Tax Assistance Act, 1974,*

- (iii) section 304,
- (iv) a telephone or telegraph company under section 304a,
- (v) any other government, government agency or person where such payment is in lieu of taxes on real property and business assessment;

(k) “residential and farm assessment” means the assessment for real property except the assessment for real property in subclauses i and iii of clause a according to the last revised assessment roll.

Clerk to
provide state-
ment of equal-
ized assess-
ment

(2) The clerk of every township, town and village shall, on or before the 15th day of March in each year, provide in writing to the clerk of the county in which the municipality is located, a statement of the equalized assessment of the municipality.

Interpreta-
tion

(3) For the purposes of subsection 2, the equalized assessment for the year of a municipality shall be the sum of,

- (a) the equivalent equalized assessment; and
- (b) the equalized residential and farm assessment times the quotient obtained when the equalized residential mill rate for all purposes other than school purposes of the year prior to the year of apportionment is divided by the equalized commercial mill rate for all purposes other than school purposes of the year prior to the year of apportionment; and
- (c) the equalized commercial assessment.

County
councils to
apportion
sums required
for county
purposes

(4) The council of every county shall, in each year, on or before the 1st day of April, by by-law, determine the

percentage share that each municipality within the county shall contribute for county purposes in the year, according to the proportion that the equalized assessment of each municipality bears to the total of the equalized assessments of all the municipalities within the county and such by-law shall also indicate the amount that each municipality is required to provide for county purposes in that year.

(5) The clerk of the county shall by the 15th day of April ^{By-law to be forwarded by county clerk} in each year, forward a copy of the by-law passed under subsection 4 to each municipality required to levy a rate for county purposes.

(6) Where, in the opinion of one or more municipalities, ^{Request for review} its percentage share as set out in the by-law passed under subsection 4 is not just and equitable, one or more of the municipalities may request the council of the county to review the by-law.

(7) Where the council of the county is of the opinion that ^{Amendment to by-law} the percentage share as set out in the by-law passed under subsection 4 is not just and equitable it may, on or before the 21st day of April, amend the by-law to make an apportionment for county purposes that is just and equitable.

(8) Where an amendment is made under subsection 7, the ^{Amended by-law to be forwarded by county clerk} clerk of the county shall, on or before the 30th day of April, forward a copy of the amended by-law to each municipality in the county.

(9) A municipality in a county that is not satisfied with ^{Appeal to O.M.B.} the by-law passed under subsection 4 or 7 may appeal on or before the 10th day of May, by giving notice in writing, by registered mail, to the Municipal Board, the clerk of the county, and every municipality that is required to levy for county purposes.

(10) Upon receipt of the notice of appeal under subsection 9, the Municipal Board shall arrange a time and place for hearing the appeal and shall send a notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing and dispose of the appeal before the 30th day of June next after the appeal.

(11) The council of a county may, by agreement with a ^{Instalment payments} majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law that the amount required to be provided by each municipality according to the by-law passed under subsection 4 or 7 shall be paid to the county in the following instalments:

1. 25 per cent of the amount required for county purposes in the prior year, on or before the 31st day of March.
2. 50 per cent of the amount required for county purposes in the current year, less the amount of the instalment paid under paragraph 1, on or before the 30th day of June.
3. 25 per cent of such current amount on or before the 30th day of September.
4. 25 per cent of such current amount on or before the 15th day of December.

Idem

(12) Notwithstanding subsection 11, the council of a county may, by agreement with a majority of the municipalities representing at least two-thirds of the equalized assessment in the county, provide by by-law for any number of instalments and the amounts and due dates thereof other than those provided in subsection 11.

**Penalties
and
discounts**

(13) A by-law passed under subsection 11 or 12 shall provide that in the case of non-payment of any instalment or any portion thereof on the due dates, the municipality so in default shall pay to the county interest thereon from the day of default to the date that the payment is made at the minimum lending rate of the majority of chartered banks on the day of default, and where, with the consent of the council of the county, such instalments or any portion thereof are paid in advance of such dates the county shall allow to the municipality a discount thereon from the date of payment to the date upon which payment is due at the minimum lending rate of the majority of chartered banks on the date of payment.

Adjustments

(14) Where, as a result of a decision of the Municipal Board on an appeal under subsection 9, there is an adjustment required to be provided for county purposes by any municipality, such adjustment shall be made by a municipality to the remaining instalments under subsection 11 or 12.

Refunds

(15) Where an adjustment under subsection 14 results in an overpayment having been made by a municipality of the total amount required to be provided by such municipality for county purposes in the year, such overpayment shall be refunded to the municipality by the council of the county within sixty days of the decision of the Municipal Board.

(16) Where at any time the boundaries of a municipality are altered, a new municipality is erected or a municipality or a part thereof is added to or taken out of a county for municipal purposes, the Municipal Board shall adjust the percentage share that each municipality within the county shall contribute for county purposes.

(17) For the purposes of clauses *d*, *e*, *g* and *h* of sub-section 1, "taxes" and "total taxes" shall be deemed not to include taxes levied under section 43 of *The Assessment Act*.

22.—(1) Subsection 2*c* of section 516 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by striking out "date fixed by the clerk as the" in the sixth line.

(2) Subsection 2*h* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by striking out "the clerk shall determine all such complaints not later than the 10th day" in the seventh and eighth lines and inserting in lieu thereof "the last day for filing and determining complaints shall be the second Friday".

(3) Subsection 2*j* of the said section 516, as enacted by the Statutes of Ontario, 1972, chapter 124, section 20, is amended by inserting after "list" in the fifth line "which shall include the assessment roll number of each change" and by adding at the end thereof "and in lieu of the statement of changes the clerk may forward copies of applications in the prescribed form referred to in subsection 2*d*".

23.—(1) Subsection 1 of section 544 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 124, section 21, is amended by inserting after "described" in the eighth line "and to ascertain if the names of occupants and owners contained thereon are correct".

(2) Subsection 3 of the said section 544 is repealed and the following substituted therefor:

(3) The Assessment Commissioner shall attach to each such list a certificate signed by him, and verified by oath or affirmation, in the form following:

I do certify that I have examined or caused to be examined all the lots and parcels of land and the names of the occupants and owners on this list named; and that I have entered on the attached memorandum any error discovered therein and that all the entries as amended are true and correct, to the best of my knowledge and belief.

s. 549 (1),
re-enacted

24. Subsection 1 of section 549 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 22, is repealed and the following substituted therefor:

Written
statement
of arrears

(1) The treasurer shall, on demand, give a written certified statement of the arrears due on any land, and, subject to clause *a*, may charge an amount for the cost of the search and certified statement on each separate parcel, but shall not make any charge to any person who forthwith pays the taxes.

(*a*) For the purposes of this subsection, "amount" means an amount not exceeding the administrative cost of the search and certified statement as determined by a by-law passed by council.

s. 636a (1),
amended

25. Subsection 1 of section 636a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 124, section 25, is amended by adding thereto the following clause:

(*ca*) in respect of a mobile unit that was removed from the municipality during the year or during the preceding year after the return of the assessment roll; or

Commencement

26.—(1) This Act, except subsection 2 of section 7, subsection 4 of section 15, and sections 19 and 21, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 2 of section 7 shall be deemed to have come into force on the 1st day of January, 1974.

Idem

(3) Subsection 4 of section 15 and section 19 shall be deemed to have come into force on the 1st day of January, 1975.

Idem

(4) Section 21 comes into force on the 1st day of January, 1976.

Short title

27. This Act may be cited as *The Municipal Amendment Act, 1974 (No. 3)*.

BILL 102

An Act to amend
The Municipal Act

1st Reading

December 19th, 1974

2nd Reading

February 6th, 1975

3rd Reading

February 7th, 1975

THE HON. J. WHITE
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CAZON
XB
-B 56

BILL 183

Government
Publications
Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Legislative Assembly

An Act to amend The Gift Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

This Bill is enacted to bring into force the changes to *The Gift Tax Act, 1972* announced in the Budget on April 9th, 1974.

SECTION 1. This section re-enacts clause *h* of subsection 1 of section 10 of the Act to provide that the exemption therein with respect to gifts of farming assets, previously a once-in-a-lifetime exemption, will apply to gifts made after April 12th, 1973 and during the lifetime of the donor to the extent that the total does not exceed \$50,000.

BILL 183**1974****An Act to amend The Gift Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of subsection 1 of section 10 of *The Gift Tax Act, 1972*, being chapter 12, as enacted by the Statutes of Ontario, 1973, chapter 165, section 2, is repealed and the following substituted therefor:

(*h*) absolute and indefeasible gifts, except gifts made by the creation of a settlement or by the transfer of property to a trust, of farming assets in Ontario given by a donor who is resident in Ontario and whose chief occupation is farming, or who is the spouse of an individual who is resident in Ontario and whose chief occupation is farming, to a person or persons resident in Ontario and connected with the donor by blood relationship, marriage or adoption to be used by such person or persons, or by such person or persons together with the donor or the spouse of the donor, in farming in Ontario, but no gifts are exempt from tax by virtue of this clause to the extent that the value of all such gifts of farming assets in Ontario, after making allowance for any other exemption or deduction permitted by this Act, that are made after the 12th day of April, 1973 and during the lifetime of the donor exceeds \$50,000.

(2) Subsection 2 of the said section 10, as enacted by the Statutes of Ontario, 1973, chapter 165, section 2, is repealed and the following substituted therefor:

(2) For the purpose of clause *h* of subsection 1,

Interpre-
tion

(a) “farming” has the meaning given to that expression in section 17a of *The Succession Duty Act*;

R.S.O. 1970,
c. 449

(b) “farming assets” means,

- (i) trade accounts receivable, supplies and inventory of commodities or things produced, raised or grown through farming,
- (ii) land, buildings, equipment, machinery and live stock that are used chiefly in farming,
- (iii) any right or licence granted or issued under any Act of the Legislature that permits or regulates the production or sale of any commodity or thing produced, raised or grown through farming,
- (iv) the building in which a person resides who is engaged in farming if that building is on land that is or is contiguous to land used by that person in farming, and
- (v) shares in a farming corporation;

(c) “farming corporation” means a corporation,

- (i) every share of which that confers on the holder thereof the right to vote is, at the date of the gift, owned either by the donor or by a person or persons connected with the donor by blood relationship, marriage or adoption,
- (ii) 95 per cent of the assets of which, other than cash, are farming assets, and
- (iii) which carries on the business of farming in Ontario through the employment of a person or persons connected with the donor by blood relationship, marriage or adoption actually engaged in the operation of the farm.

s. 18 (1) (a),
re-enacted

2.—(1) Clause *a* of subsection 1 of section 18 of the said Act is repealed and the following substituted therefor:

(a) a gift exempt from tax under clauses *a* to *g* of section 10; or

s. 18 (1) (b),
amended

(2) Clause *b* of subsection 1 of the said section 18 is amended by striking out “less” in the first line and inserting in lieu thereof “not more”.

SECTION 2. This section amends subsection 1 of section 18 of the Act to require that the exempt gifts of farming assets be reported in the return required by that subsection to be filed by a donor. The change enacted by subsection 2 of section 2 of the Bill is required for the purpose of clarification.

3. This Act comes into force on the day it receives Royal Assent. Commencement
4. This Act may be cited as *The Gift Tax Amendment Act, 1974.* Short title

An Act to amend
The Gift Tax Act, 1972

1st Reading

December 19th, 1974

2nd Reading

3rd Reading

THE HON. A. K. MEEN
Minister of Revenue

(*Government Bill*)

CAZON
XB
-B 56

Governor
Publications

BILL 184

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Ontario Human Rights Code

MR. CASSIDY



EXPLANATORY NOTE

The purpose of the Bill is to prohibit discrimination in the rental, sale, or occupancy of housing accommodation against families with children or against any person because of their age. The Bill is intended to stop the increasing practice of establishing adult only buildings, which is particularly harmful to families because they have higher expenses and more need for living space than single people and couples and are therefore at an economic disadvantage in seeking housing accommodation.

In order to balance the obligation to accept children, the Bill permits landlords to set a limit on the number of occupants of any dwelling unit provided that the limit is not less than one person per room. Housing that is limited to senior citizens aged 60 and over is also exempted.

BILL 184**1974**

**An Act to amend
The Ontario Human Rights Code**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 3 of *The Ontario Human Rights Code*, being chapter^{s. 3.}_{amended} 318 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 4, is amended by adding thereto the following subsections:

(3) Subject to subsection 4, no person, directly or indirectly, alone or with another, by himself or by the inter-position of another, shall deny any person occupancy of any housing accommodation,
Discrimination prohibited because of age or children

(a) because of the age of such person; or

(b) because such person has dependent children who would be sharing the housing accommodation with him.

(4) The owner of housing accommodation may impose a limit on the number of occupants of each dwelling unit within the building, subject to the following conditions,

(a) the limit shall set a maximum number of occupants per room; and

(b) the limit shall be applied equally to all dwelling units of the same size or type within the building; and

(c) the limit shall not be less than one person for each room within the housing accommodation to be occupied, but no kitchen, bathroom, or enclosed area that is unfinished or unheated shall be counted as a room.

Application
of subs. 3

(5) Subsection 3 does not apply to housing accommodation where the occupancy of all the housing accommodation in a building is restricted to individuals who are of the age of 60 or older.

Application
to housing
accommoda-
tion and
condominiums

(6) This section applies to the sale of any housing accommodation as well as occupancy and rentals and also applies to the sale or occupancy of condominium housing accommodation.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Human Rights Code Amendment Act, 1974*.

An Act to amend The Ontario
Human Rights Code

1st Reading

December 19th, 1974

2nd Reading

3rd Reading

MR. CASSIDY

(*Private Member's Bill*)

CA20N
XB
-B56

Government
Publications

~~BILL 185~~

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

~~Legislative Assembly~~

An Act to amend The Municipal Elections Act, 1972

MR. BOUNSALL



EXPLANATORY NOTES

SECTION 1. The term of office of newly elected representatives will commence on the 1st day of December in an election year, rather than on the following 1st day of January.

SECTION 2. Polling day is changed from the first Monday in December to the first Sunday in November.

SECTIONS 3 and 4. Complementary to section 2 of the Bill.

SECTION 5. The provision added empowers the clerk or deputy returning officer, in the event of an emergency, to postpone polling day for one week.

SECTION 6. The Minister, on the request of a municipal council, may authorize an inquiry by a county or district court judge into any aspect of the validity of an election.

BILL 185

1974

**An Act to amend
The Municipal Elections Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Municipal Elections Act, 1972*, ^{s. 9 (1), amended} being chapter 95, is amended by striking out "first day of January in the year following an election year" in the fourth and fifth lines and inserting in lieu thereof "first day of December in the election year".
2. Section 11 of the said Act is amended by striking out "the ^{s. 11, amended} first Monday in December" in the first and second lines and inserting in lieu thereof "the first Sunday in November".
3. Subsection 1 and subsection 1a, as enacted by the Statutes of Ontario, 1974, chapter 32, section 19, of section 33 of the ^{s. 33 (1), re-enacted} ^{s. 33 (1a), repealed} said Act are repealed and the following substituted therefor:
 - (1) Nomination day for a regular election shall be Monday, ^{Nomination day} the twentieth day before polling day.
4. Subsection 1 of section 64 of the said Act, as re-enacted by ^{s. 64 (1), amended} the Statutes of Ontario, 1974, chapter 32, section 32, is amended by striking out "nine" in the second line and inserting in lieu thereof "eight".
5. Section 67 of the said Act is amended by adding thereto the ^{s. 67, amended} following subsection:
 - (2) Notwithstanding subsection 1, the clerk or deputy ^{Idem} returning officer, as the case may be, may, after notifying the Minister, and where the emergency is such to warrant it, postpone the polling day by one week.
6. Section 104 of the said Act is amended by adding thereto the ^{s. 104, amended} following subsection:

Official inquiry

(1a) An official inquiry into all or any aspects of the validity of the election, or of any person to hold office, or whether or not any person is guilty of a corrupt practice respecting an election, may be requested, by the municipal council, of the Minister who has the authority to grant the request, and shall be heard by a county or district court judge designated by the Minister.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Municipal Elections Amendment Act, 1974*.

An Act to amend
The Municipal Elections
Act, 1972

1st Reading

December 20th, 1974

2nd Reading

3rd Reading

MR. BOUNSALL

(*Private Member's Bill*)

CAZON

XB

-B56

BILL 186

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government
Publications

~~Legislative Assembly~~

An Act to amend The Legislative Assembly Act

MR. NIXON (Brant)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. Disqualifies persons accepting remuneration as members of commissions, boards, committees or other bodies holding office at the nomination of the Lieutenant Governor in Council, as a Member of the Legislative Assembly.

SECTION 2. The amendment decreases the salary of the Leader of the Opposition from \$18,000 to \$15,825.

BILL 186**1974****An Act to amend The Legislative Assembly Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *e* of subsection 2 of section 8 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, is repealed.<sup>s. 8(2)(e),
repealed</sup>
2. Clause *b* of subsection 1 of section 62 of the said Act, as<sup>s. 62(1)(b),
amended</sup> re-enacted by the Statutes of Ontario, 1973, chapter 151, section 3, is amended by striking out "\$18,000" in the second line and inserting in lieu thereof "\$15,825".
3. This Act comes into force on the day it receives Royal Assent.^{Commencement}
4. This Act may be cited as *The Legislative Assembly Amendment Act, 1974*.^{Short title}

An Act to amend
The Legislative Assembly Act

1st Reading

January 27th, 1975

2nd Reading

3rd Reading

MR. NIXON (Brant)

(*Private Member's Bill*)

CA2ON

XB

-B 56

BILL 187

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government
Publications

An Act to amend The Executive Council Act

MR. NIXON (Brant)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The amendments decrease the salaries of members of the Executive Council with portfolio from \$18,000 to \$15,975 and without portfolio from \$7,500 to \$6,000 and decrease the additional salary of the Premier from \$7,000 to \$6,425.

BILL 187

1974

An Act to amend The Executive Council Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Executive Council Act*, being chapter 153^{s.3, re-enacted} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 3 and 1973, chapter 150, section 1, is repealed and the following substituted therefor:

3.—(1) The annual salary of every minister with portfolio is \$15,975.

(2) The member of the Executive Council holding the recognized position of First Minister shall receive, in addition, \$6,425 per annum.

(3) The annual salary of every minister without portfolio is \$6,000.

(4) The annual salary of every Parliamentary Assistant is \$5,000.

(5) The salaries are chargeable upon and payable yearly and *pro rata* for any period less than a year out of the Consolidated Revenue Fund.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Executive Council Amendment Act, 1974.*

An Act to Amend
The Executive Council Act

1st Reading

January 27th, 1975

2nd Reading

3rd Reading

MR. NIXON (Brant)

(*Private Member's Bill*)

CAZON
XB
-B 56

BILL 188

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government
Publications

An Act to amend The Education Act, 1974

MR. SMITH (Nipissing)



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to remove the discretionary appointment of the representative of the Indian pupils to the Board where the number of Indian pupils falls below a certain amount.



BILL 188**1974****An Act to amend The Education Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 162 of *The Education Act, 1974*, being ^{s. 162(6).} chapter 109, is repealed.
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Education Amendment Act, 1974*. ^{Short title}

An Act to amend
The Education Act, 1974

1st Reading

January 27th, 1975

2nd Reading

3rd Reading

MR. SMITH (Nipissing)

(*Private Member's Bill*)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government
Publications

An Act to amend The Highway Traffic Act

MR. FOULDS



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill limits the power to make regulations prohibiting the use of studded tires in the named territorial districts.



BILL 189

1974

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *d* of subsection 1 of section 44 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding at the commencement thereof “subject to subsection 4”. s. 44(1)(d), amended
- (2) The said section 44 is amended by adding thereto the s. 44, amended following subsections:
 - (4) A regulation made under clause *d* of subsection 1 shall Exception be deemed not to prohibit the use of studded tires on a highway in the territorial districts of Algoma, Cochrane, Kenora, Nipissing, Rainy River, Sudbury, Thunder Bay or Timiskaming during the period commencing with the 1st day of October in any year and ending with the 1st day of May in the following year.
 - (5) In subsection 4, “studded tire” means a tire into the Interpretation tread of which have been imbedded hard material devices none of which is more than one-quarter of an inch in diameter and none of which projects more than one-sixteenth of an inch beyond the tread of the tire.
2. This Act comes into force on the day it receives Royal Assent. Commencement
3. This Act may be cited as *The Highway Traffic Amendment Act, 1974*. Short title

An Act to amend
The Highway Traffic Act

1st Reading

January 27th, 1975

2nd Reading

3rd Reading

MR. FOULDS

(*Private Member's Bill*)

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-B 56

~~BILL 190~~

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Government
Publications

Legislative Assembly

An Act to amend
The Environmental Protection Act, 1971

THE HON. W. NEWMAN
Minister of the Environment



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

SECTION 1. The term "local municipality" is used in new section 95a of the Act, contained in section 3 of the Bill, and in subsection 1 of section 61a of the Act, enacted by section 6 of *The Environmental Protection Amendment Act, 1973*.

SECTION 2. Subsection 1 of section 95 of the Act is re-enacted to provide that not only may a regulation be limited as to place but may also exclude any place from the application of the regulation.

SECTION 3. New section 95a of the Act authorizes the enactment of by-laws, subject to the approval of the Minister, by local municipalities for the control or prohibition of the emission of noises or vibrations. Part XXI of *The Municipal Act*, referred to in new section 95a, relates to penalties and enforcement of by-laws.

BILL 190

1974

**An Act to amend
The Environmental Protection Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, as amended by the Statutes of Ontario, 1972, chapter 1, section 69 and 1972, chapter 106, section 1, is further amended by adding thereto the following clause:

(fa) "local municipality" means a city, town, village or township.

2. Subsection 1 of section 95 of the said Act is repealed and the following substituted therefor:

(1) Any regulation may be general or particular in its application, may be limited as to time or place or both and may exclude any place from the application of the regulation.

3. The said Act is amended by adding thereto the following section:

95a.—(1) The councils of local municipalities may, subject to the approval of the Minister, pass by-laws

(a) regulating or prohibiting the emission of sounds or vibrations;

(b) providing for the licensing of persons, equipment and premises, or any of them, with respect to the emission of sounds or vibrations;

(c) prescribing maximum permissible levels of sounds or vibrations that may be emitted;

(d) prescribing procedures for determining the levels of sounds or vibrations that are emitted,

and such a by-law may make different provisions for different areas of a local municipality and may make provision for exempting any person, equipment or premises from any provision of the by-law for such period of time and subject to such terms and conditions as may be set out or provided for in the by-law.

Adoption
of codes in
by-laws

(2) A by-law passed by the council of a local municipality pursuant to subsection 1 may adopt by reference, in whole or in part, with such changes as the council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.

Application
of
R.S.O. 1970,
c. 284

(3) Part XXI of *The Municipal Act* applies to by-laws passed under this section.

s. 96,
amended

4. Section 96 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Subsection 1 does not apply in respect of section 95a and the enactment of section 95a or a by-law pursuant to section 95a does not affect the validity of an Act that is in force immediately before the coming into force of section 95a.

Commencement

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. This Act may be cited as *The Environmental Protection Amendment Act, 1974* (No. 2).

SECTION 4. Section 96 of the Act provides that where a conflict appears between a provision of this Act or the regulations and any other Act or regulation, the provision of this Act or the regulations shall prevail.

New subsection 2 of section 96 of the Act provides an exception in respect of new section 95a of the Act and an Act that is in force immediately before the coming into force of new section 95a.

BILL 190

An Act to amend
The Environmental Protection Act, 1971

1st Reading

January 28th, 1975

2nd Reading

3rd Reading

THE HON. W. NEWMAN
Minister of the Environment

(*Government Bill*)

CAZON
XB
-B 56

BILL 190

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The Environmental Protection Act, 1971

THE HON. W. NEWMAN
Minister of the Environment



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 190

1974

**An Act to amend
The Environmental Protection Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 1 of *The Environmental Protection Act, 1971*, being chapter 86, as amended by the Statutes of Ontario, 1972, chapter 1, section 69 and 1972, chapter 106, section 1, is further amended by adding thereto the following clause:
 (fa) “local municipality” means a city, town, village or township.
2. Subsection 1 of section 95 of the said Act is repealed and <sup>s. 95 (1),
re-enacted</sup> the following substituted therefor:
 (1) Any regulation may be general or particular in its ^{Scope of regulations} application, may be limited as to time or place or both and may exclude any place from the application of the regulation.
3. The said Act is amended by adding thereto the following <sup>s. 95a,
enacted</sup> section:
 95a.—(1) The councils of local municipalities may, subject to the approval of the Minister, pass by-laws, ^{Municipal by-laws}
 (a) regulating or prohibiting the emission of sounds or vibrations;
 (b) providing for the licensing of persons, equipment and premises, or any of them, with respect to the emission of sounds or vibrations;
 (c) prescribing maximum permissible levels of sounds or vibrations that may be emitted;

(d) prescribing procedures for determining the levels of sounds or vibrations that are emitted,

and such a by-law may make different provisions for different areas of a local municipality and may make provision for exempting any person, equipment or premises from any provision of the by-law for such period of time and subject to such terms and conditions as may be set out or provided for in the by-law.

Adoption
of codes in
by-laws

(2) A by-law passed by the council of a local municipality pursuant to subsection 1 may adopt by reference, in whole or in part, with such changes as the council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.

Application
of
R.S.O. 1970,
c. 284

(3) Part XXI of *The Municipal Act* applies to by-laws passed under this section.

s. 96,
amended

4. Section 96 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Subsection 1 does not apply in respect of section 95a and the enactment of section 95a or a by-law pursuant to section 95a does not affect the validity of an Act that is in force immediately before the coming into force of section 95a.

Commencement

5. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

6. This Act may be cited as *The Environmental Protection Amendment Act, 1974* (No. 2).

An Act to amend
The Environmental Protection Act, 1971

1st Reading

January 28th, 1975

2nd Reading

February 3rd, 1975

3rd Reading

February 6th, 1975

THE HON. W. NEWMAN
Minister of the Environment

CAZON
XB
-B 56

Ontario Legislative Assembly ~~Government~~
~~Publications~~ Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to incorporate
the Ontario Lottery Corporation

THE HON. R. WELCH
Minister of Culture and Recreation



TORONTO
PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes a Crown Corporation to be known as the Ontario Lottery Corporation for the purpose of conducting lotteries to enable the promotion of physical fitness, sports, recreational and cultural activities and facilities.

BILL 191**1974**

**An Act to incorporate
the Ontario Lottery Corporation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means Ontario Lottery Corporation;
- (c) "lottery scheme" includes a lottery, a game of chance and a game of mixed chance and skill;
- (d) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. The Minister is responsible for the administration of this Act.

Minister
responsible

3.—(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of Ontario Lottery Corporation consisting of not fewer than three and not more than seven members appointed by the Lieutenant Governor in Council.

Ontario
Lottery
Corporation
established

(2) The members shall be the directors of the Corporation and shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

(3) The Corporation shall have a seal which shall be adopted by resolution or by-law.

(4) The fiscal year of the Corporation shall be the same as the fiscal year for the Consolidated Revenue Fund.

Chairman and vice-chairman	4. —(1) The Lieutenant Governor in Council shall designate one of the members to be chairman of the Board and may designate one of the members to be vice-chairman of the Board.
Acting chairman	(2) In the case of the absence or illness of the chairman or there being a vacancy in the office of chairman, the vice-chairman or, if none, such director as the Board designates for such purpose shall act as and have all the powers of the chairman.
Quorum	(3) A majority of the directors constitutes a quorum of the Board.
Board of directors	5. —(1) The affairs of the Corporation are under the management and control of the Board, and the chairman shall preside at all meetings of the Board, or, in his absence, or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.
By-laws	(2) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.
Powers of Board R.S.O. 1970, c. 89	(3) The Board has such powers as are necessary for the purpose of carrying out its objects including the powers set out in section 304 and 305 of <i>The Corporations Act</i> , and in section 24 of that Act, except clauses <i>h, j, m, p, q, r, s, t, u</i> and <i>v</i> but otherwise <i>The Corporations Act</i> does not apply to the Corporation.
Staff	6. —(1) The Corporation may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications, salary ranges and benefits so approved.
Application of R.S.O. 1970, c. 387	(2) <i>The Public Service Superannuation Act</i> applies to the employees of the Corporation as though the Corporation was a board designated by the Lieutenant Governor in Council under section 27 of that Act.
Objects	<p>7. The objects of the Corporation are,</p> <p>(a) to develop, undertake, organize, conduct and manage lottery schemes on behalf of Her Majesty in right of Ontario;</p>

- (b) where authorized by the Lieutenant Governor in Council, to enter into agreements to develop, undertake, organize, conduct and manage lottery schemes on behalf of or in conjunction with the Government of Canada or the government of one or more of the other provinces of Canada;
- (c) to do such other things as the Lieutenant Governor in Council may require from time to time.

8. The Corporation, with the approval of the Lieutenant Governor in Council, may make regulations, ^{Regulations}

- (a) limiting and regulating the sale of lottery tickets of the Corporation by persons other than the Corporation and prescribing the fees, commission and discount in such sales;
- (b) governing the manner of selecting prize winners under any lottery or class of lottery conducted by the Corporation;
- (c) prescribing the conditions and qualifications for entitlement to prizes in lotteries or any class of lottery;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. The net profits of the Corporation after provision for ^{Profits} prizes and the payment of expenses of operations shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct to be available for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor.

10.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient. ^{Advances}

(2) The moneys required for the purposes of subsection ^{Idem} 1 shall be paid out of the Consolidated Revenue Fund.

11. The accounts and financial transactions of the Corpora- ^{Audit} tion shall be audited annually by the Provincial Auditor.

Annual report	12. —(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
Other reports	(2) The Corporation shall make such further reports to the Minister as the Minister may from time to time require.
Commencement	13. This Act comes into force on the day it receives Royal Assent.
Short title	14. This Act may be cited as <i>The Ontario Lottery Corporation Act, 1974</i> .

An Act to incorporate
The Ontario Lottery Corporation

1st Reading

January 30th, 1975

2nd Reading

3rd Reading

THE HON. R. WELCH
Minister of Culture and Recreation

(*Government Bill*)

CAZON
XB
-B 56

Ontario, Legislative Assembly

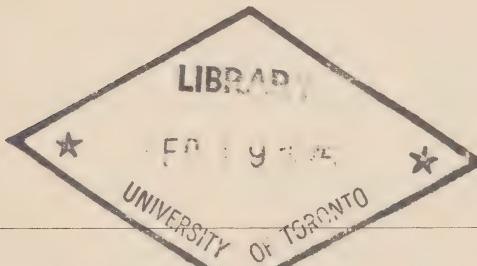
Government Publications

BILL 191

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to incorporate
the Ontario Lottery Corporation



THE HON. R. WELCH
Minister of Culture and Recreation

(Reprinted as amended by the Committee of the Whole House)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The Bill establishes a Crown Corporation to be known as the Ontario Lottery Corporation for the purpose of conducting lotteries to enable the promotion of physical fitness, sports, recreational and cultural activities and facilities.

BILL 191**1974**

**An Act to incorporate
the Ontario Lottery Corporation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means Ontario Lottery Corporation;
- (c) "lottery scheme" includes a lottery, a game of chance and a game of mixed chance and skill;
- (d) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. The Minister is responsible for the administration of this Act.

Minister
responsible

3.—(1) There is hereby established, on behalf of Her Majesty in right of Ontario, a corporation without share capital under the name of Ontario Lottery Corporation consisting of not fewer than three and not more than nine members appointed by the Lieutenant Governor in Council.

Ontario
Lottery
Corporation
established

(2) The members shall be the directors of the Corporation and shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

(3) The Corporation shall have a seal which shall be adopted by resolution or by-law.

(4) The fiscal year of the Corporation shall be the same as the fiscal year for the Consolidated Revenue Fund.

Fiscal
year

Chairman and vice-chairman

4.—(1) The Lieutenant Governor in Council shall designate one of the members to be chairman of the Board and may designate one of the members to be vice-chairman of the Board.

Acting chairman

(2) In the case of the absence or illness of the chairman or there being a vacancy in the office of chairman, the vice-chairman or, if none, such director as the Board designates for such purpose shall act as and have all the powers of the chairman.

Quorum

(3) A majority of the directors constitutes a quorum of the Board.

Board of directors

5.—(1) The affairs of the Corporation are under the management and control of the Board, and the chairman shall preside at all meetings of the Board, or, in his absence, or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

By-laws

(2) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Powers of Board
R.S.O. 1970, c. 89

(3) The Board has such powers as are necessary for the purpose of carrying out its objects including the powers set out in section 304 and 305 of *The Corporations Act*, and in section 24 of that Act, except clauses *h*, *j*, *m*, *p*, *q*, *r*, *s*, *t*, *u* and *v* but otherwise *The Corporations Act* does not apply to the Corporation.

Staff

6.—(1) The Corporation may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications, salary ranges and benefits so approved.

Application of R.S.O. 1970, c. 387

(2) *The Public Service Superannuation Act* applies to the employees of the Corporation as though the Corporation was a board designated by the Lieutenant Governor in Council under section 27 of that Act.

Objects

7. The objects of the Corporation are,

(a) to develop, undertake, organize, conduct and manage lottery schemes on behalf of Her Majesty in right of Ontario;

- (b) where authorized by the Lieutenant Governor in Council, to enter into agreements to develop, undertake, organize, conduct and manage lottery schemes on behalf of or in conjunction with the Government of Canada or the government of one or more of the other provinces of Canada;
- (c) to do such other things as the Lieutenant Governor in Council may require from time to time.

8. The Corporation, with the approval of the Lieutenant Governor in Council, may make regulations,

- (a) limiting and regulating the sale of lottery tickets of the Corporation by persons other than the Corporation and prescribing the fees, commission and discount in such sales;
- (b) governing the manner of selecting prize winners under any lottery or class of lottery conducted by the Corporation;
- (c) prescribing the conditions and qualifications for entitlement to prizes in lotteries or any class of lottery;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. The net profits of the Corporation after provision for Prizes and the payment of expenses of operations shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct, to be available for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor.

10.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient.

(2) The moneys required for the purposes of subsection ^{Advances}^{Idem} 1 shall be paid out of the Consolidated Revenue Fund.

11. The accounts and financial transactions of the Corporation shall be audited annually by the Provincial Auditor.

Annual report	12. —(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.
Other reports	(2) The Corporation shall make such further reports to the Minister as the Minister may from time to time require.
Commencement	13. This Act comes into force on the day it receives Royal Assent.
Short title	14. This Act may be cited as <i>The Ontario Lottery Corporation Act, 1974</i> .

BILL 191

An Act to incorporate
The Ontario Lottery Corporation

1st Reading

January 30th, 1975

2nd Reading

February 4th, 1975

3rd Reading

THE HON. R. WELCH
Minister of Culture and Recreation

(Reprinted as amended by the
Committee of the Whole House)

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-B 56

BILL 191

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to incorporate
the Ontario Lottery Corporation

THE HON. R. WELCH
Minister of Culture and Recreation



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 191**1974**

**An Act to incorporate
the Ontario Lottery Corporation**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the board of directors of the Corporation;
- (b) "Corporation" means Ontario Lottery Corporation;
- (c) "lottery scheme" includes a lottery, a game of chance and a game of mixed chance and skill;
- (d) "Minister" means the member of the Executive Council designated by the Lieutenant Governor in Council to administer this Act.

2. The Minister is responsible for the administration of ^{Minister responsible} this Act.

3.—(1) There is hereby established, on behalf of Her ^{Ontario Lottery Corporation established} Majesty in right of Ontario, a corporation without share capital under the name of Ontario Lottery Corporation consisting of not fewer than three and not more than nine members appointed by the Lieutenant Governor in Council.

(2) The members shall be the directors of the Corporation ^{Directors} and shall be paid such remuneration as is fixed by the Lieutenant Governor in Council.

(3) The Corporation shall have a seal which shall be ^{Seal} adopted by resolution or by-law.

(4) The fiscal year of the Corporation shall be the same ^{Fiscal year} as the fiscal year for the Consolidated Revenue Fund.

Chairman
and
vice-
chairman

4.—(1) The Lieutenant Governor in Council shall designate one of the members to be chairman of the Board and may designate one of the members to be vice-chairman of the Board.

Acting
chairman

(2) In the case of the absence or illness of the chairman or there being a vacancy in the office of chairman, the vice-chairman or, if none, such director as the Board designates for such purpose shall act as and have all the powers of the chairman.

Quorum

(3) A majority of the directors constitutes a quorum of the Board.

Board of
directors

5.—(1) The affairs of the Corporation are under the management and control of the Board, and the chairman shall preside at all meetings of the Board, or, in his absence, or if the office of chairman is vacant, the vice-chairman has all the powers and shall perform all the duties of the chairman.

By-laws

(2) The Board may make by-laws regulating its proceedings and generally for the conduct and management of the affairs of the Corporation.

Powers of
Board

R.S.O. 1970.
c. 89

(3) The Board has such powers as are necessary for the purpose of carrying out its objects including the powers set out in section 304 and 305 of *The Corporations Act*, and in section 24 of that Act, except clauses *h*, *j*, *m*, *p*, *q*, *r*, *s*, *t*, *u* and *v* but otherwise *The Corporations Act* does not apply to the Corporation.

Staff

6.—(1) The Corporation may, subject to the approval of the Lieutenant Governor in Council, establish job classifications, personnel qualifications, salary ranges and other benefits for its officers and employees and may appoint, employ and promote its officers and employees in conformity with the classifications, qualifications, salary ranges and benefits so approved.

Application
of
R.S.O. 1970.
c. 387

(2) *The Public Service Superannuation Act* applies to the employees of the Corporation as though the Corporation was a board designated by the Lieutenant Governor in Council under section 27 of that Act.

Objects

7. The objects of the Corporation are,

(a) to develop, undertake, organize, conduct and manage lottery schemes on behalf of Her Majesty in right of Ontario;

- (b) where authorized by the Lieutenant Governor in Council, to enter into agreements to develop, undertake, organize, conduct and manage lottery schemes on behalf of or in conjunction with the Government of Canada or the government of one or more of the other provinces of Canada;
- (c) to do such other things as the Lieutenant Governor in Council may require from time to time.

8. The Corporation, with the approval of the Lieutenant ^{Regulations} Governor in Council, may make regulations,

- (a) limiting and regulating the sale of lottery tickets of the Corporation by persons other than the Corporation and prescribing the fees, commission and discount in such sales;
- (b) governing the manner of selecting prize winners under any lottery or class of lottery conducted by the Corporation;
- (c) prescribing the conditions and qualifications for entitlement to prizes in lotteries or any class of lottery;
- (d) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

9. The net profits of the Corporation after provision for ^{Profits} prizes and the payment of expenses of operations shall be paid into the Consolidated Revenue Fund at such times and in such manner as the Lieutenant Governor in Council may direct, to be available for the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor.

10.—(1) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to make advances to the Corporation in such amounts, at such times and on such terms and conditions as the Lieutenant Governor in Council may deem expedient.

(2) The moneys required for the purposes of subsection ^{Idem} 1 shall be paid out of the Consolidated Revenue Fund.

11. The accounts and financial transactions of the Corpora- ^{Audit} tion shall be audited annually by the Provincial Auditor.

Annual report **12.**—(1) The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Other reports (2) The Corporation shall make such further reports to the Minister as the Minister may from time to time require.

Commencement **13.** This Act comes into force on the day it receives Royal Assent.

Short title **14.** This Act may be cited as *The Ontario Lottery Corporation Act, 1974.*

BILL 191

An Act to incorporate
The Ontario Lottery Corporation

1st Reading

January 30th, 1975

2nd Reading

February 4th, 1975

3rd Reading

February 6th, 1975

THE HON. R. WEICH
Minister of Culture and Recreation

CAZON
XB
-B 56

Ontario. Legislative Assembly

Government Publications

BILL 192

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The Municipal Unconditional Grants Act, 1974



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The payments being made are to relieve the municipalities named because of certain extraordinary costs incurred by them in relation to special planning studies and to being unduly burdened by reason of liabilities incurred under *The Child Welfare Act*; in the case of the Town of Kenora, a portion of the moneys to be paid relates to costs incurred for additional police services required in 1974.

BILL 192**1974**

**An Act to amend
The Municipal Unconditional Grants Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 3 of *The Municipal Unconditional Grants Act, 1974*, ^{s. 3.} amended being chapter 25, is amended by adding thereto the following subsection:

(3) There shall be paid to each municipality set out in ^{Payments to municipalities} column 1 of Schedule 2,

(a) in the year 1975, the sum set opposite the name of the municipality in column 2; and

(b) in the year 1976, the sum, if any, set opposite the name of the municipality in column 3.

- 2.** The said Act is amended by adding thereto the following ^{Sched. 2, enacted} Schedule:

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
	\$	\$
County of Bruce.....	12,758.00	nil
Village of Hepworth.....	169.00	nil
Village of Lion's Head.....	303.00	nil
Town of Wiarton.....	1,075.00	nil
Town of Albemarle.....	1,352.00	nil
Township of Amabel.....	3,220.00	nil
Township of Eastnor.....	1,564.00	nil
Township of Lindsay.....	810.00	nil
Township of St. Edmund's.....	1,507.00	nil
Village of Havelock.....	2,020.00	nil
Village of Norwood.....	2,160.00	nil
Township of Burleigh and Anstruther.....	2,868.00	1,434.00
Township of Chandos.....	1,387.20	693.60
Township of Galway and Cavendish.....	2,749.20	1,374.60

	COLUMN 1	COLUMN 2	COLUMN 3
		\$	\$
Township of Harvey.....	4,995.60	2,497.80	
Township of Asphodel.....	3,400.00	nil	
Township of Belmont and Methuen.....	6,080.00	nil	
Township of Dummer.....	4,640.00	nil	
Town of Cache Bay.....	28.65	nil	
Town of Sturgeon Falls.....	672.98	nil	
Township of Caldwell.....	112.72	nil	
Township of Field.....	41.37	nil	
Township of Springer.....	144.00	nil	
The Regional Municipality of Sudbury.....	173,200.00	nil	
Town of Kenora.....	57,588.00	nil	
Town of Sioux Lookout.....	14,850.00	nil	
City of Thunder Bay.....	400.50	nil	
County of Hastings.....	24,731.00	nil	
Village of Hastings.....	1,700.00	nil	
Improvement District of Beardmore.....	4,969.00	nil	
United Counties of Prescott and Russell.....	1,058.93	nil	

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1974*.

BILL 192

An Act to amend
The Municipal Unconditional Grants
Act, 1974

1st Reading

January 30th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

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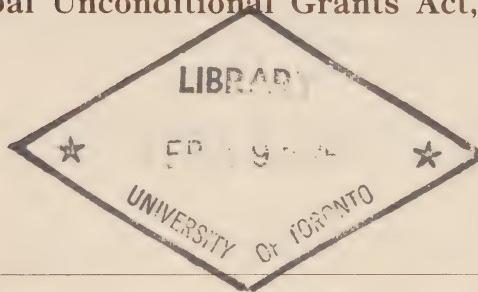
Ontario Legislative Assembly

Governmental
Publications

BILL 192

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The Municipal Unconditional Grants Act, 1974



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 192**1974**

**An Act to amend
The Municipal Unconditional Grants Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Section 3 of *The Municipal Unconditional Grants Act, 1974*, <sup>s.3,
amended</sup> being chapter 25, is amended by adding thereto the following subsection:

- (3) There shall be paid to each municipality set out in column 1 of Schedule 2, <sup>Payments
to municipalities</sup>
- (a) in the year 1975, the sum set opposite the name of the municipality in column 2; and
 - (b) in the year 1976, the sum, if any, set opposite the name of the municipality in column 3.

- 2.** The said Act is amended by adding thereto the following <sup>Sched. 2,
enacted</sup> Schedule:

SCHEDULE 2

COLUMN 1	COLUMN 2	COLUMN 3
	\$	\$
County of Bruce.....	12,758.00	nil
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Village of Lion's Head.....	303.00	nil
Town of Wiarton.....	1,075.00	nil
Town of Albemarle.....	1,352.00	nil
Township of Amabel.....	3,220.00	nil
Township of Eastnor.....	1,564.00	nil
Township of Lindsay.....	810.00	nil
Township of St. Edmund's.....	1,507.00	nil
Village of Havelock.....	2,020.00	nil
Village of Norwood.....	2,160.00	nil
Township of Burleigh and Anstruther.....	2,868.00	1,434.00
Township of Chandos.....	1,387.20	693.60
Township of Galway and Cavendish.....	2,749.20	1,374.60

	COLUMN 1	COLUMN 2	COLUMN 3
		\$	\$
Township of Harvey.....	4,995.60	2,497.80	
Township of Asphodel.....	3,400.00	nil	
Township of Belmont and Methuen.....	6,080.00	nil	
Township of Dummer.....	4,640.00	nil	
Town of Cache Bay.....	28.65	nil	
Town of Sturgeon Falls.....	672.98	nil	
Township of Caldwell.....	112.72	nil	
Township of Field.....	41.37	nil	
Township of Springer.....	144.00	nil	
The Regional Municipality of Sudbury.....	173,200.00	nil	
Town of Kenora.....	57,588.00	nil	
Town of Sioux Lookout.....	14,850.00	nil	
City of Thunder Bay.....	400.50	nil	
County of Hastings.....	24,731.00	nil	
Village of Hastings.....	1,700.00	nil	
Improvement District of Beardmore.....	4,969.00	nil	
United Counties of Prescott and Russell.....	1,058.93	nil	

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1974*.

An Act to amend
The Municipal Unconditional Grants
Act, 1974

1st Reading

January 30th, 1975

2nd Reading

February 3rd, 1975

3rd Reading

February 3rd, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

CAZON

BILL 193

Government Bill

XB

-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The District Municipality of Muskoka Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

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EXPLANATORY NOTE

The amendment is to make it clear that area municipalities may not exercise the powers under *The Planning Act* relating to the preparation, adoption and submission for approval of official plans; they may continue to exercise such other powers as the Act confers on municipalities.

BILL 193

1974

**An Act to amend
The District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 68 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 3, is repealed and the following substituted therefor: s. 68 (4),
re-enacted
 - (4) No area municipality shall exercise any powers under sections 12, 13, 14, 15 and 16 of *The Planning Act*. Area municipali-
ties
not to
exercise
powers under
R.S.O. 1970,
c. 349,
ss. 12-16
2. This Act shall be deemed to have come into force on the 20th day of December, 1974. Commencement
3. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1974* (No. 2). Short title

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

January 30th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

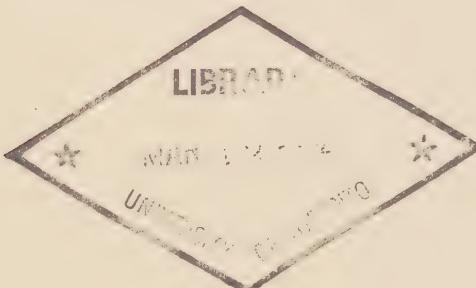
BILL 193

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

Ontario. Legislative Assembly

An Act to amend The District Municipality of Muskoka Act

THE HON. W. D. MCKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



BILL 193**1974**

**An Act to amend
The District Municipality of Muskoka Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 68 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 3, is repealed and the following substituted therefor:
 - (4) No area municipality shall exercise any powers under sections 12, 13, 14, 15 and 16 of *The Planning Act*. Area municipalities not to exercise powers under R.S.O. 1970, c. 349, ss. 12-16
2. This Act shall be deemed to have come into force on the 20th day of December, 1974. Commencement
3. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1974* (No. 2). Short title

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

January 30th, 1975

2nd Reading

February 3rd, 1975

3rd Reading

February 3rd, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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-B 56

Ontario. Legislative Assembly

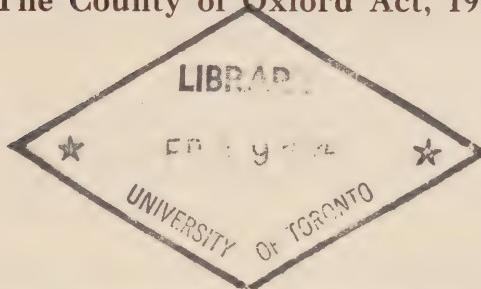
Government
Publications

BILL 194

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The County of Oxford Act, 1974



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

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EXPLANATORY NOTE

The trustees of the police villages named are deemed a commission established for their existing hydro-electric systems and are deemed to be local boards of the area municipalities in which they were formerly situate.

BILL 194**1974**

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 134 of *The County of Oxford Act, 1974*, being chapter 57, as amended by the Statutes of Ontario, 1974, chapter 118, section 6, is further amended by adding thereto the following subsections:

(2d) The trustees of the Police Village of Burgessville as it existed on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Burgessville Hydro-Electric System, to be known as The Hydro-Electric Commission of Burgessville, which shall be deemed to be a local board of the area municipality of the Township of Norwich, and all rights and obligations of the Police Village of Burgessville in relation to the Police Village of Burgessville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Burgessville. R.S.O. 1970, c. 390

(2e) The trustees of the Police Village of Otterville as it existed on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Otterville Hydro-Electric System, to be known as The Hydro-Electric Commission of Otterville, which shall be deemed to be a local board of the area municipality of the Township of Norwich, and all rights and obligations of the Police Village of Otterville in relation to the Police Village of Otterville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Otterville.

(2f) The trustees of the Police Village of Thamesford as it existed on the 31st day of December, 1974, shall, until such

R.S.O. 1970,
c. 390

date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Thamesford Hydro-Electric System, to be known as The Hydro-Electric Commission of Thamesford, which shall be deemed to be a local board of the area municipality of the Township of Zorra, and all rights and obligations of the Police Village of Thamesford in relation to the Police Village of Thamesford Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Thamesford.

s. 134 (3),
amended

(2) Subsection 3 of the said section 134, as amended by the Statutes of Ontario, 1974, chapter 118, section 6, is further amended by striking out "and 2c" in the said amendment of 1974 and inserting in lieu thereof "2c, 2d, 2e and 2f".

Commencement

2. This Act shall be deemed to have come into force on the 31st day of December, 1974.

Short title

3. This Act may be cited as *The County of Oxford Amendment Act, 1974* (No. 2).

An Act to amend
The County of Oxford Act, 1974

1st Reading

January 30th, 1975

2nd Reading

3rd Reading

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

CAZON
XB
-B 56

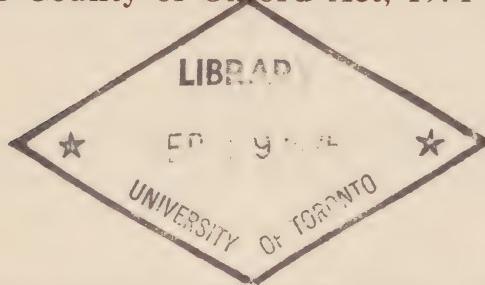
~~Ontario.~~ Legislative Assembly

Government
Publications

BILL 194

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The County of Oxford Act, 1974



THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 194**1974**

**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 134 of *The County of Oxford Act, 1974*, being ^{s. 134,} chapter 57, as amended by the Statutes of Ontario, 1974, chapter 118, section 6, is further amended by adding thereto the following subsections:

(2d) The trustees of the Police Village of Burgessville as ^{Idem} it existed on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, R.S.O. 1970, c. 390, for the Police Village of Burgessville Hydro-Electric System, to be known as The Hydro-Electric Commission of Burgessville, which shall be deemed to be a local board of the area municipality of the Township of Norwich, and all rights and obligations of the Police Village of Burgessville in relation to the Police Village of Burgessville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Burgessville.

(2e) The trustees of the Police Village of Otterville as it ^{Idem} existed on the 31st day of December, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Otterville Hydro-Electric System, to be known as The Hydro-Electric Commission of Otterville, which shall be deemed to be a local board of the area municipality of the Township of Norwich, and all rights and obligations of the Police Village of Otterville in relation to the Police Village of Otterville Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Otterville.

(2f) The trustees of the Police Village of Thamesford as it ^{Idem} existed on the 31st day of December, 1974, shall, until such

R.S.O. 1970,
c. 390

date as the Minister may by order designate, be deemed to be a commission established under Part III of *The Public Utilities Act*, for the Police Village of Thamesford Hydro-Electric System, to be known as The Hydro-Electric Commission of Thamesford, which shall be deemed to be a local board of the area municipality of the Township of Zorra, and all rights and obligations of the Police Village of Thamesford in relation to the Police Village of Thamesford Hydro-Electric System become the rights and obligations of The Hydro-Electric Commission of Thamesford.

s. 134 (3),
amended

(2) Subsection 3 of the said section 134, as amended by the Statutes of Ontario, 1974, chapter 118, section 6, is further amended by striking out "and 2c" in the said amendment of 1974 and inserting in lieu thereof "2c, 2d, 2e and 2f".

Commencement

2. This Act shall be deemed to have come into force on the 31st day of December, 1974.

Short title

3. This Act may be cited as *The County of Oxford Amendment Act, 1974* (No. 2).

BILL 1974

An Act to amend The County of Oxford Act, 1974

1st Reading

January 30th, 1975

2nd Reading

February 3rd, 1975

3rd Reading

February 3rd, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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-B 56

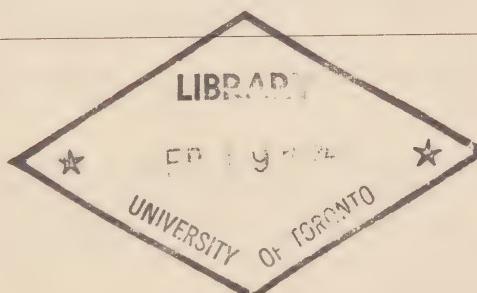
BILL 195

Government Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Highway Traffic Act

THE HON. J. R. RHODES
Minister of Transportation and Communications



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to exempt trucks hauling milk from the load limits applicable to commercial vehicles upon declared portions of the King's Highway during March and April and to alter the load limits that apply to trucks transporting heating fuel or live stock feed.

BILL 195

1974

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5a of section 66 of *The Highway Traffic Act*, ^{s. 66 (5a), re-enacted} being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 45, section 22, is repealed and the following substituted therefor:

- (5a) The provisions of subsections 4 and 5 do not apply to, ^{Vehicles exempt from provisions of subss. 4, 5}
 - (a) a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway; or
 - (b) vehicles used exclusively for the transportation of milk.

- 2.—(1) Section 77 of the said Act, as amended by the Statutes ^{s. 77, amended} of Ontario, 1973, chapter 45, section 27, is further amended by renumbering subsection 1 as subsection 1a and by adding thereto the following subsection:

- (1) For the purposes of this section, “tank truck” means ^{Interpretation} a commercial motor vehicle to which is permanently attached a closed tank having a capacity of 500 gallons or more.
 - (2) Subsection 4 of the said section 77 is amended by adding ^{s. 77 (4), amended} at the commencement thereof “Subject to subsection 4a”.
 - (3) The said section 77 is further amended by adding ^{s. 77, amended} thereto the following subsection:
- (4a) During the months of March and April, two axle^{Idem} tank trucks while used exclusively for the transportation

of liquid or gaseous heating fuel and two axle trucks while used exclusively for the transportation of live stock feed operated over or upon any portion of the King's Highway to which the provisions of subsection 4 are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 16,000 pounds without obtaining a permit as provided by section 65.

s. 77 (5a),
re-enacted

(4) Subsection 5a of the said section 77, as enacted by the Statutes of Ontario, 1973, chapter 45, section 27, is repealed and the following substituted therefor:

Vehicles
exempt
from
provisions
of subss. 4, 5

(5a) The provisions of subsections 4 and 5 do not apply to,

(a) a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway; or

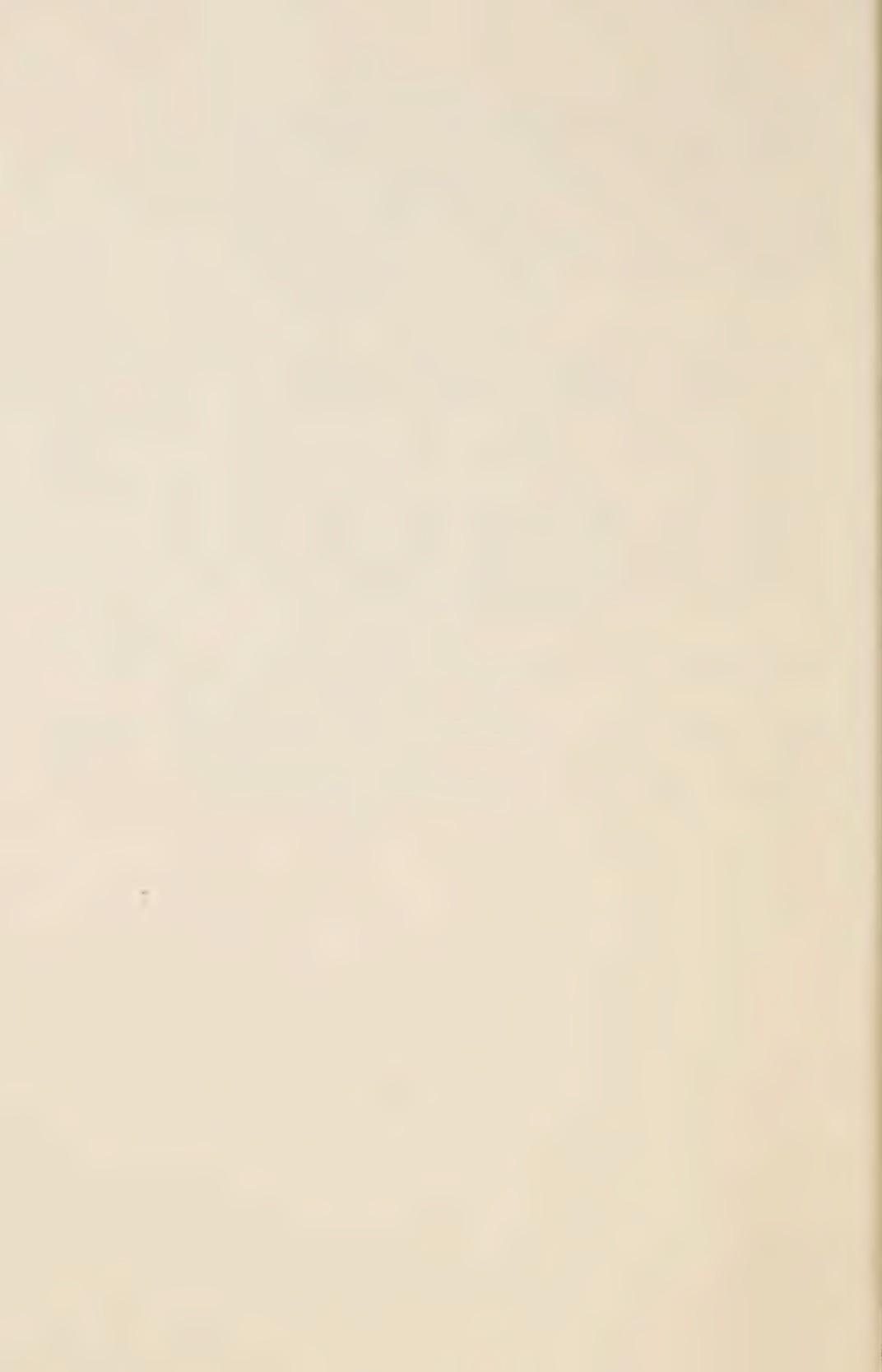
(b) vehicles used exclusively for the transportation of milk.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Highway Traffic Amendment Act, 1974 (No. 3)*.



BILL 195

An Act to amend
The Highway Traffic Act

1st Reading

January 30th, 1975

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(*Government Bill*)

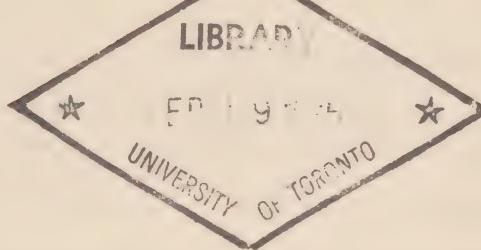
CAZON
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-B 56

Ontario Legislative Assembly
BILL 195

Government
Publications

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend The Highway Traffic Act



THE HON. J. R. RHODES
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 195

1974

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5a of section 66 of *The Highway Traffic Act*, ^{s. 66 (5a), re-enacted} being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 45, section 22, is repealed and the following substituted therefor:
 - (5a) The provisions of subsections 4 and 5 do not apply to, ^{Vehicles exempt from provisions of subss. 4, 5}
 - (a) a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway; or
 - (b) vehicles used exclusively for the transportation of milk.
- 2.—(1) Section 77 of the said Act, as amended by the Statutes ^{s. 77, amended} of Ontario, 1973, chapter 45, section 27, is further amended by renumbering subsection 1 as subsection 1a and by adding thereto the following subsection:
 - (1) For the purposes of this section, “tank truck” means ^{Interpretation} a commercial motor vehicle to which is permanently attached a closed tank having a capacity of 500 gallons or more.
 - (2) Subsection 4 of the said section 77 is amended by adding ^{s. 77 (4), amended} at the commencement thereof “Subject to subsection 4a”.
 - (3) The said section 77 is further amended by adding ^{s. 77, amended} thereto the following subsection:
 - (4a) During the months of March and April, two axle^{idem} tank trucks while used exclusively for the transportation

of liquid or gaseous heating fuel and two axle trucks while used exclusively for the transportation of live stock feed operated over or upon any portion of the King's Highway to which the provisions of subsection 4 are declared to be applicable by the Lieutenant Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded so that any axle transmits to the road a weight in excess of 16,000 pounds without obtaining a permit as provided by section 65.

s. 77 (5a),
re-enacted

- (4) Subsection 5a of the said section 77, as enacted by the Statutes of Ontario, 1973, chapter 45, section 27, is repealed and the following substituted therefor:

Vehicles
exempt
from
provisions
of subss. 4, 5

- (5a) The provisions of subsections 4 and 5 do not apply to,
- (a) a vehicle operated on behalf of the Ministry or a municipality or other authority having jurisdiction and control of the highway where such vehicle is engaged in the application of abrasives or chemicals to the highway or in the stockpiling of abrasives or chemicals for use on a highway; or
 - (b) vehicles used exclusively for the transportation of milk.

Commencement

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** This Act may be cited as *The Highway Traffic Amendment Act, 1974* (No. 3).

BILL 195

An Act to amend
The Highway Traffic Act

1st Reading

January 30th, 1975

2nd Reading

February 4th, 1975

3rd Reading

February 4th, 1975

THE HON. J. R. RHODES
Minister of Transportation
and Communications

CAZON
XB
-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to amend
The Ontario Transportation Development
Corporation Act, 1973

THE HON. J. R. RHODES
Minister of Transportation and Communications



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTES

Section 14a (1) authorizes The Ontario Transportation Development Corporation to sell or transfer its assets and liabilities to another corporation having similar objects and of which the beneficial ownership is restricted to Her Majesty in right of Ontario, any other province of Canada or Canada. The subsection also authorizes The Ontario Transportation Development Corporation to receive, in return for its assets, securities of the other corporation and to have the other corporation assume its liabilities.

Section 14a (2) authorizes The Ontario Transportation Development Corporation to transfer any equity shares which it might receive for the sale of assets under subsection 1 to the Minister to hold on behalf of Her Majesty in right of Ontario.

BILL 196**1974**

**An Act to amend
The Ontario Transportation Development
Corporation Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** *The Ontario Transportation Development Corporation Act, 1973*,^{s. 14a, enacted} being chapter 66, is amended by adding thereto the following section:

14a.—(1) The Corporation may, where authorized by a special resolution,^{Corpora-tion may dispose of property}

(a) sell, lease or otherwise dispose of all or substantially all of its property and liabilities to another body corporate,

(i) which has objects similar to those of the Corporation, and

(ii) of which, the beneficial ownership of equity shares is restricted to Her Majesty in right of Ontario, of any of the other provinces of Canada, or of Canada; and

(b) receive, in consideration of any property so disposed, securities of the body corporate together with the assumption by the body corporate of the liabilities of the Corporation.

(2) The Corporation may,

(a) transfer to the Minister to hold on behalf of Her Majesty in right of Ontario any equity shares that the Corporation receives under subsection 1; or

(b) cause to be issued to the Minister to hold on behalf of Her Majesty in right of Ontario any equity shares

that the Corporation is entitled to receive under subsection 1.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Ontario Transportation Development Corporation Amendment Act, 1974*.

DILL 190

An Act to amend
The Ontario Transportation
Development Corporation Act, 1973

1st Reading

January 30th, 1975

2nd Reading

3rd Reading

THE HON. J. R. RHODES
Minister of Transportation
and Communications

(*Government Bill*)

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Ontario Legislative Assembly

Government

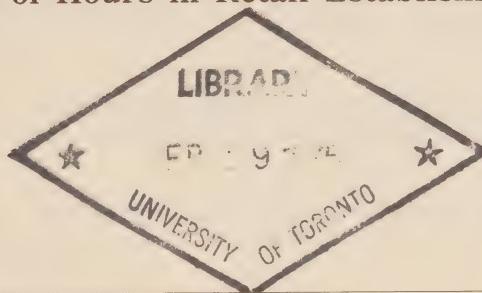
BILL 197

Publications
Private Member's Bill

-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23 ELIZABETH II, 1974

An Act to provide for the
Controlling of Hours in Retail Establishments



MR. EDIGHOFFER

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to provide for uniform holidays and business hours for retail establishments throughout the Province.



BILL 197**1974**

**An Act to provide for the
Controlling of Hours in Retail Establishments**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "retail establishment" means any establishment or place where goods are sold or offered for sale at retail. Interpretation
2. The Minister of Consumer and Commercial Relations is responsible for the administration of this Act. Administration
3. This Act does not apply to, Excluded establishments
 - (a) a retail establishment or that part of a retail establishment whose main activity is the sale of,
 - (i) newspapers or periodicals,
 - (ii) tobacco or articles required for the use of tobacco,
 - (iii) meals,
 - (iv) goods to be consumed on the premises, including delicatessen products,
 - (v) pastries, confectionery or dairy products,
 - (vi) pharmaceutical, hygienic or sanitary products,
 - (vii) gasoline, motor oil or fuel oil,
 - (viii) trailers or boats,
 - (ix) agricultural machinery, or
 - (x) flowers or farm produce from stands;
 - (b) a government store as defined in *The Liquor Control Act*; R.S.O. 1970, c. 249

R.S.O. 1970,
cc. 371, 78

- (c) a retail establishment in a provincial park established under *The Provincial Parks Act*, a conservation area established under *The Conservation Authorities Act* or a park under the management of The Niagara Parks Commission or The St. Lawrence Parks Commission;
- (d) a retail establishment or that part of a retail establishment where goods are sold only as accessory to services rendered in carrying out a contract of lease; or
- (e) a retail establishment in a tourist or resort community designated in the regulations.

**Days when
customer
not
admitted**

4.—(1) No customer shall be admitted to a retail establishment on,

- (a) New Year's Day;
- (b) Good Friday;
- (c) Easter Monday;
- (d) Victoria Day;
- (e) Dominion Day;
- (f) Civic Holiday;
- (g) Labour Day;
- (h) Thanksgiving Day;
- (i) Christmas Day; or
- (j) the 26th day of December before 1.00 o'clock in the afternoon.

Idem

(2) Except for those days listed in clauses b, c and g, where any day listed in subsection 1 falls on a Sunday, the day next following is in lieu thereof a day when no customer shall be admitted to a retail establishment.

**Hours when
customer
not
admitted**

5.—(1) Except from the 1st day of December to the 31st day of December, no customer shall be admitted to a retail establishment,

- (a) before 8.00 o'clock in the morning; or
- (b) after 6.00 o'clock in the evening,

on Monday, Tuesday, Wednesday or Saturday.

Idem

(2) No customer shall be admitted to a retail establishment,

(a) before 8.00 o'clock in the morning; or
(b) after 10.00 o'clock in the evening,
on a Thursday or Friday.

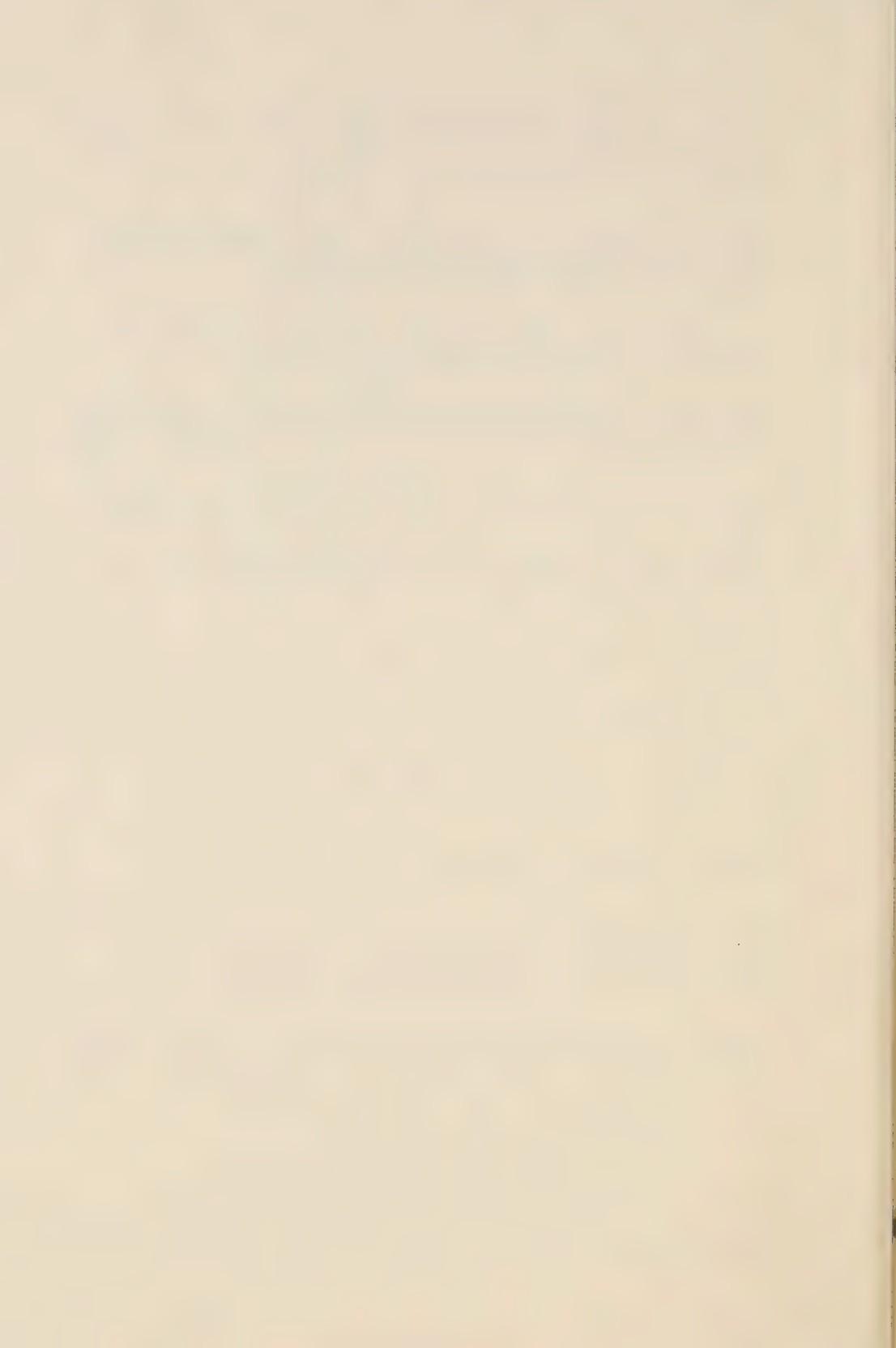
6. No customer shall remain in a retail establishment Time limit for more than thirty minutes after the hour after which customers it is forbidden to admit customers under section 5.

7. Every person who contravenes any provision of this Offence Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

8. The Lieutenant Governor in Council may make regulations designating tourist and resort areas for the purpose of clause *e* of section 3. Regulations

9. This Act comes into force on the 1st day of March, Commencement 1975.

10. This Act may be cited as *The Retail Establishment Short title Business Hours Act, 1974.*



BILL 197

An Act to provide
for the Controlling of Hours
in Retail Establishments

1st Reading

February 3rd, 1975

2nd Reading

3rd Reading

MR. EDIGHOFFER

(*Private Member's Bill*)

CAZON

XB

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23-24 ELIZABETH II, 1974

-B 56

Government
Publications

**An Act for the Promotion and
Protection of the Health and Safety
of Persons engaged in Occupations**

MR. MARTEL



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to consolidate matters dealing with the health and safety of workers and place them under the jurisdiction of the Ministry of Labour.

The Bill also establishes a department, to be part of the Ministry of Labour, which is responsible for research and the setting and enforcing of standards to protect workers.

BILL 198**1974**

**An Act for the Promotion and
Protection of the Health and Safety
of Persons engaged in Occupations**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) “chief occupational medical officer” means the person appointed as the chief occupational medical officer pursuant to section 7;
- (b) “council” means the Occupational Health Council appointed under section 8;
- (c) “department” means the occupational health and safety department established pursuant to section 2;
- (d) “International Standard Classification of Occupations” means the booklet as published and revised from time to time by the International Labour Organization and entitled “International Standard Classification of Occupations”;
- (e) “Minister” means the Minister of Labour;
- (f) “Ministry” means the Ministry of Labour;
- (g) “occupation” means employment, business, calling or pursuit but does not include an endeavour not constituting one of the classes of occupations in the International Standard Classification of Occupations;
- (h) “occupational health” means,
 - (i) the promotion and maintenance of the highest degree of physical, mental and social well-being of workers,

- (ii) the prevention among workers of ill health caused by their working conditions;
- (iii) the protection of workers in their employment from risks resulting from factors adverse to health;
- (iv) the placing and maintenance of workers in an occupational environment adapted to their physiological and psychological condition;
- (i) "occupational health officer" means a person designated as an occupational health officer under section 5;
- (j) "occupational health service" means a service organized in or near a place of employment for the purposes of,
 - (i) protecting workers against any health hazard that may arise out of their work or the conditions under which it is carried on,
 - (ii) ensuring the workers' physical and mental adjustment in their employment and ensuring their assignment to jobs for which they are suited, and
 - (iii) contributing to the establishment and maintenance of a high degree of physical and mental well-being of the workers;
- (k) "occupational rehabilitation" means measures that assist workers to return to work following injury or disease however caused and that assist persons suffering from the disabling effects of injury, disease or congenital deformity in obtaining or retaining employment;
- (l) "place of employment" means any building, workshop, structure, mine or other premises in which one or more workers usually work;
- (m) "worker" means a person who is engaged in an occupation;
- (n) "working place" means a location other than a place of employment where one or more workers are engaged in work.

2. For the purpose of providing for the administration of this Act, the Minister shall establish a department within the Ministry to be known as the occupational health and safety department. Department established

3. The department shall, Duties of department

- (a) be concerned with occupational health generally and the maintenance of reasonable standards for the protection of the health and safety of workers in Ontario;
- (b) be responsible for the day to day administration of this Act and the regulations;
- (c) prepare and maintain morbidity and accident statistics relating to workers and do so either alone or in conjunction with the Workmen's Compensation Board and the Ministry of Health; and
- (d) do such other things in connection with occupational health as the Minister may direct.

4. The department may, Powers of department

- (a) provide assistance to persons concerned with occupational health and provide services to assist persons in charge of the operation of places of employment and working places in maintaining reasonable standards for the protection of the health and safety of workers;
- (b) promote or conduct studies and research projects in connection with problems relating to the health and safety of workers; and
- (c) encourage or conduct educational programs for promoting the health and safety of workers.

5. The Minister may designate as occupational health officers any of the persons employed in the department. Designation of occupational health officers

6.—(1) For the purpose of the administration of this Act, an occupational health officer may, Powers of occupational health officer

- (a) enter and inspect a place of employment and a working place and every part thereof at all reasonable times both day and night without prior notification when he has reasonable grounds to believe that a worker is employed therein or

thereat, and test, take such samples and make such examinations as he considers necessary or advisable;

- (b) require the production of the records, documents and reports kept pursuant to this Act, and inspect, examine and make a copy of any of them;
- (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are being complied with;
- (d) require any person whom he finds in or at a place of employment or working place to give such information as it is in his power to give as to who is the person in charge of the operation of the place of employment or working place;
- (e) take with him to a place of employment or working place, one or more persons to assist him, and may make arrangements with the person in charge of the operation of a place of employment or working place for an assistant to enter the place of employment or the working place and conduct tests or take samples;
- (f) do such other things as may be authorized by the Minister.

Idem

- (2) The person in charge of the operation of a place of employment or working place and his agents and servants shall furnish such means required by an occupational health officer as are necessary for an entry, inspection, examination, inquiry, the making of tests and the taking of samples or otherwise for the exercise of his powers under this Act in relation to that place of employment or working place.

Appointment of medical practitioner as chief occupational medical officer

- 7.** The Minister shall appoint as chief occupational medical officer for the purposes of this Act a person who is a legally qualified medical practitioner and who has training and experience in occupational health.

Appointment of Occupational Health Council

- 8.—(1)** Subject to subsection 2, the Lieutenant Governor in Council may appoint a council to be known as the Occupational Health Council consisting of not less than nine or more than twelve persons whose particular knowledge and experience would be of assistance in the giving of advice concerning the protection and promotion of the health and safety of persons at work and with respect to occupational health generally.

(2) The membership of the council shall include persons who represent agriculture and management and labour respectively in the field of industry.

(3) One of the members of the council shall be designated as chairman by the Lieutenant Governor in Council.

(4) The member designated as chairman shall hold office at the pleasure of the Lieutenant Governor in Council.

(5) The members of the council other than the chairman shall be appointed for terms of office of such duration so that at any given time there will likely be some members who will have been in office for a sufficient period to have gained experience as council members.

(6) Each member of the council shall hold office until his successor is appointed and may be reappointed from time to time.

(7) The council shall meet at the call of the Minister or the chairman but in any case at least once a year.

9. The council may make recommendations to the Minister,

Duties and powers of council

(a) concerning occupational health generally and the protection of the health and safety of workers in specific kinds of situations;

(b) concerning the appointment of other committees by the Minister to assist in the administration of this Act;

(c) concerning any other matter referred to it by the Minister for recommendation.

10. The Minister may, on the recommendation of the council, appoint such other committees and assign to them such duties as he deems advisable.

11. The Minister may,

Certain powers of Minister

(a) appoint consultants and professional and technical personnel including legally qualified medical practitioners;

(b) conduct seminars and courses of training and take other measures for improving the qualifications of persons directly concerned with occupational health

or being employed or intending to become employed in an occupational health service;

- (c) provide such facilities and services in the field of occupational rehabilitation as he deems advisable.

Power to require medical supervision

12.—(1) Where it appears to the Minister upon the advice of the chief occupational medical officer,

- (a) that in any place of employment or in any class of place of employment or in any occupation,

- (i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work,

- (ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process, or

- (iii) a serious environmental hazard has been created of such a degree that an adverse effect upon the health of the persons exposed to such hazard could have resulted; or

- (b) that there may be risk of injury to the health of persons employed in a place of employment,

- (i) from any substance or material brought to the place of employment to be used or handled therein, or

- (ii) from any change in the conditions of work or other conditions in the place of employment,

he may by order, upon receiving the recommendation of the chief occupational medical officer to that effect, require such reasonable arrangements to be made for the medical supervision of the persons, or any class of the persons, employed at that place of employment or class of place of employment or the persons engaged in such occupation, as the case may be, as he considers advisable.

Interpretation

(2) In this section, “medical supervision” includes both complete and partial medical examinations and the making of such examinations at stated intervals.

13.—(1) Where the Minister is of the opinion that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour at a place of employment or a working place is of such a nature as to cause risk of bodily injury or ill health to the persons employed thereat or any class of those persons, he may by order require the person in charge of the operation of the place of employment or working place, as the case may be, to do such things for the protection of those persons as appear to him to be reasonably practicable and to meet the necessity of the case.

(2) An order made by the Minister under subsection 1 ^{Order of Minister} may,

- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process or description of manual labour;
- (b) prohibit, limit or control the use of any material, process or equipment; or
- (c) impose duties on employees as well as on the persons in charge of the operation of places of employment and working places.

14.—(1) Any person aggrieved by an order of the Minister made under section 13 may appeal against the order to a judge of a county or district court at any time within sixty days after the date of the order.

(2) An appeal under subsection 1 shall be by notice of motion, which shall be served on the Minister and on such other persons as the judge may direct.

(3) Upon an appeal, the judge may dispose of the matter ^{Disposition of judge} in a summary way or direct an issue to be tried in court.

15. Any person who was a party to an appeal under section 14 and who is aggrieved by a decision of the court or judge made on the appeal may, within thirty days after the date of the decision, appeal against the decision to the Supreme Court in accordance with the rules of court.

16. The taking of an appeal under section 14 or 15 does not stay the operation of the order in respect of which the appeal is taken.

Order for protective measures where risk of injury

Appeal of certain orders to judge of county or district court

Appeal to Supreme Court

Appeal does not stay order

Reports to
be furnished
by medical
practitioner,
hospital,
etc.

17.—(1) Every legally qualified medical practitioner or other qualified person attending or consulted respecting a person who became ill or injured,

(a) while employed at a place of employment or a working place; or

(b) while being otherwise engaged in an occupation,

shall furnish without charge to the chief occupational medical officer upon request of the officer such reports concerning the illness or injury of the person as the chief occupational medical officer may require for the purposes of this Act.

Reports

(2) Where an ill or injured person of the kind mentioned in subsection 1 is or has been a patient in a hospital, the person in charge of the administrative affairs of that hospital shall furnish without charge to the chief occupational medical officer upon request such reports concerning the illness or injury of the person as the chief occupational medical officer may require for the purposes of this Act.

Medical
examination
required
in certain
cases

18. Where the Minister is of the opinion that a person employed at a place of employment or working place has become or may become ill as a consequence of being exposed to any substance, process or environmental condition, he may by order, upon receiving the recommendation of the chief occupational medical officer to that effect, require that person to undergo a medical examination and require the legally qualified medical practitioner conducting the examination to furnish the chief occupational medical officer with such reports respecting the examination as the chief occupational medical officer may require:

Occupational
health
committee
in certain
places of
employment

19.—(1) In every place of employment at which ten or more persons are employed, the person in charge of the operation of the place of employment shall cause a committee to be established to be known as an occupational health committee.

Members of
committee

(2) The committee shall consist of not less than two or more than twelve persons of whom at least half shall be persons representing employees other than employees connected with the management of the place of employment, and either elected by the employees they represent or appointed in accordance with the constitution of the labour union of which the employees are members.

(3) The committee shall have a continuing concern with ^{Duty of} ~~committee~~ respect to the health and safety of the persons employed in the place of employment.

(4) The person in charge of the operation of the place ^{Posting} of employment shall cause the names of the committee to be posted in a conspicuous place.

(5) The duties of the committee include,

^{Duties of} ~~committee~~

- (a) the receipt, consideration and disposition of complaints respecting the health and safety of the employees;
- (b) participation in the identification and control of health and safety hazards within the place of employment;
- (c) co-operation with the occupational health service if such a service has been established within the place of employment;
- (d) the establishment and promotion of health and safety programs for the education and information of the employees; and
- (e) the maintenance of records in connection with the receipt and disposition of complaints and the attendance to other matters relating to the duties of the committee.

20.—(1) The Minister may designate a place of employment or a class of a place of employment as requiring an ^{Where occupa-} ~~occupational~~ ^{tional} ~~health~~ ^{health} ~~service~~ ^{service} required ~~required~~ occupational health service, having regard to the type of industry being carried on therein, the number of persons employed thereat and the degree of hazard thereof.

(2) Where a place of employment has been designated or is a member of a class of a place of employment designated under subsection 1, the person in charge of the operation of the place of employment shall cause an occupational health service to be established and maintained for the place of employment in accordance with this section.

(3) The Minister may specify the services that are to be ^{Services} ~~to be~~ provided by the occupational health service for any place of employment or for a place of employment that is a member of a class of a place of employment designated under subsection 1.

(4) The establishment and continued operation of an occupational health service shall be subject to the approval of the Minister.

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards to be established and maintained by the persons in charge of places of employment or working places for the protection of the health and safety of the persons employed thereat;
- (b) classifying places of employment;
- (c) defining certain processes, substances and working places as being hazardous and prescribing measures to be taken for the protection of the health and safety of persons exposed thereto;
- (d) prescribing the measures to be taken by the person in charge of the operation of every place of employment that is a member of a class of place of employment specified in the regulations for the purpose of this clause for the protection of the health and safety of the persons employed thereat;
- (e) specifying those diseases and conditions contracted or received by a worker or concerning which the chief occupational medical officer is required to be notified and prescribing the manner of notification and the records to be maintained in connection with any specified disease or condition;
- (f) requiring plans of any new plant or extension of an existing plant, including the details of the processes and materials to be used, to be furnished to the department in connection with such classes of places of employment as may be specified in the regulations for the purpose of this clause;
- (g) prescribing conditions of employment, and requiring medical examinations at regular intervals, for those classes of workers specified in the regulations for the purpose of this clause who by reason of age, sex or pregnancy are or may be specially subject to risk of injury or ill health caused by the hazards of the working environment.

22. This Act applies to,Application
to Crown

- (a) the Crown in right of Ontario and every Ministry, board, commission and other agency of the Crown and any Crown Corporation; and
- (b) the Crown in right of Canada in so far as the Crown in right of Canada may submit to the operation of this Act.

23.—(1) A person who contravenes any of the provisions ^{Offences} of this Act or the regulations or who fails to comply with an order made by the Minister under this Act is guilty of an offence and liable on summary conviction to the fines provided by this section.

(2) Where an offence is committed by an individual, ^{Penalties} the individual is liable,

- (a) for a first offence, to a fine of not less than \$10 or more than \$100 and, in the case of a continuing offence to a further fine not exceeding \$25 for each day during which the offence continues;
- (b) for a second or subsequent offence, to a fine of not less than \$100 or more than \$500 and, in the case of a continuing offence to a further fine not exceeding \$50 for each day during which the offence continues.

(3) Where an offence is committed by a corporation, the ^{Idem} corporation is liable,

- (a) for a first offence, to a fine of not less than \$100 or more than \$1,000 and, in the case of a continuing offence to a further fine not exceeding \$250 for each day during which the offence continues;
- (b) for a second or subsequent offence, to a fine of not less than \$1,000 or more than \$5,000 and, in the case of a continuing offence to a further fine not exceeding \$500 for each day during which the offence continues.

(4) Where default is made in payment of any fine, costs ^{No imprisonment} or sum ordered to be paid no imprisonment in default of the payment shall be ordered.

(5) The convicting provincial judge or justice of the peace ^{Copy of conviction} shall upon request of the Minister supply the Minister with ^{to Minister}

two certified copies of any conviction made by him under or pursuant to this Act.

Judgment (6) The Minister or his solicitor or agent may, upon payment of the prescribed fee, file a certified copy of a conviction under this Act in the office of the local clerk of the county or district court, and when so filed the copy of the conviction shall, for the purpose of recovering the fine, costs or sum ordered to be paid, be entered as a judgment of the county or district court and may be enforced as a judgment of that court.

Commencement **24.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title **25.** This Act may be cited as *The Occupational Health Act, 1974.*

BILL 198

An Act for the Promotion
and Protection of the Health
and Safety of Persons engaged
in Occupations

1st Reading

February 11th, 1975

2nd Reading

3rd Reading

MR. MARTEL

(*Private Member's Bill*)

CAZON

XB

-B 56

BILL 199

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23-24 ELIZABETH II, 1974

Government
Publications

An Act to amend The Retail Sales Tax Act

MR. EDIGHOFFER



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to reinstitute section 11 of the Act which was repealed in 1972.

BILL 199**1974****An Act to amend The Retail Sales Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Retail Sales Tax Act*, being chapter 415 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

11.—(1) The Minister may enter into such arrangement with each vendor as he considers expedient for the payment of such remuneration for his services in collecting and remitting the tax as the Minister considers proper, and the vendor may deduct such remuneration from the amount otherwise to be remitted to the Treasurer of Ontario in accordance with section 10.

(2) No person accepting remuneration under subsection 1 shall thus be made ineligible as a member of the Assembly.

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Retail Sales Tax Amendment Act, 1974*.

An Act to amend
The Retail Sales Tax Act

1st Reading

February 11th, 1975

2nd Reading

3rd Reading

MR. EDICHOFFER

(*Private Member's Bill*)

CAZON
XB

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23-24 ELIZABETH II, 1974

-B 56

An Act to regulate
Political Party Financing and
Election Contributions and Expenses

THE HON. W. G. DAVIS
Premier



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

This Bill incorporates the principles recommended in the Third Report of the Ontario Commission on the Legislature and implements the basic recommendations of the Report with the following major differences.

1. Section 38 provides for limitations on the cost of advertising incurred by political parties, constituency associations and candidates during the campaign period.
2. The principle of subsidization of candidate's expenses is implemented by providing for reimbursement of the lesser of the actual expenses of a candidate or an amount determined in relation to the number of voters in his electoral district as set out in section 44.
3. Provision is made in section 40 for subsidization of the cost of auditors in amounts up to \$100 in relation to constituency associations and up to \$250 in relation to candidates.

BILL 200**1974**

**An Act to regulate
Political Party Financing and
Election Contributions and Expenses**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) “broadcasting undertaking” means a broadcasting undertaking as defined in section 2 of the *Broadcasting Act* (Canada); R.S.C. 1970,
c. B-11
- (b) “by-election” means an election other than a general election;
- (c) “campaign period” means the period commencing with the issue of a writ for an election and terminating four months after polling day;
- (d) “candidate” means,
 - (i) a person who is duly nominated as a candidate for an electoral district in accordance with *The Election Act*, R.S.O. 1970,
c. 142
 - (ii) a person who is nominated by a constituency association of a registered party in an electoral district as the official candidate of such party in the electoral district, or
 - (iii) a person who, on or after the date of the issue of a writ for an election in an electoral district, declares himself to be an independent candidate at the election in the electoral district;
- (e) “Commission” means the Commission on Election Contributions and Expenses;

- (f) "constituency association" in an electoral district means the association or organization endorsed by a registered party as the official association of that party in the electoral district;
- (g) "contribution" does not include any goods produced by voluntary unpaid labour or any service performed by an individual voluntarily for a political party, constituency association or candidate without compensation from the political party, constituency association or candidate;
- (h) "election" means an election to elect a member or members to serve in the Assembly;
- (i) "general election" means an election in respect of which election writs are issued for all electoral districts;
- (j) "outdoor advertising facilities" means facilities, other than radio and television and newspapers, magazines and other periodical publications, of any person or corporation that is in the business of providing such facilities on a commercial basis for advertising purposes;
- (k) "person" includes a candidate but does not include a corporation or trade union;
- (l) "polling day" means the day fixed pursuant to *The Election Act* for holding the poll at an election;
- (m) "registered candidate" means a candidate registered under this Act;
- (n) "registered constituency association" means a constituency association registered under this Act;
- (o) "registered party" means a political party registered under this Act;
- (p) "revised list of voters" means the revised list of voters certified by the returning officer or an assistant revising officer under *The Election Act*;
- (q) "trade union" means a trade union as defined by *The Labour Relations Act* or the *Canada Labour Code* that holds bargaining rights for employees in Ontario to whom those Acts apply;
- (r) "year" means calendar year.

R.S.O. 1970,
c. 232
R.S.C. 1970,
c. L-1

(2) Corporations that are associated with one another under section 256 of the *Income Tax Act* (Canada) shall be considered as a single corporation for the purposes of this Act.

Associated corporations
1970-71,
c. 63 (Can.)

(3) This Act does not apply to campaigns and conventions carried on or held in relation to the leadership of any registered party or in relation to contested constituency nominations for endorsements of official party candidates.

Leadership
campaigns
and
contested
constituency
nominations

(4) This Act does not apply to,

Existing
funds in
trust

- (a) funds held in trust on the day this section comes into force; and
- (b) funds raised before the expiration of thirty days after the day this section comes into force by a fund-raising function organized before the day this section comes into force that are placed in trust,

for the purposes of a constituency association or the future candidacy of any person at an election or a future election campaign of any person, but the trustee or trustees of each such trust shall,

- (c) within sixty days after the day this section comes into force, report in writing to the Commission the existence of such trust and the total amount of the funds therein;
- (d) maintain the funds remaining in the trust from time to time on deposit with a financial institution that is lawfully entitled to accept deposits;
- (e) restrict the income of the trust to interest on the funds on deposit under clause *d*;
- (f) not permit funds or other property to be added to the trust other than interest on the amounts on deposit under clause *d*;
- (g) file with the Commission on or before the 30th day of April in the year 1976 and in each year thereafter a report of the expenditures from the trust during the previous year and his declaration that he has complied with the provisions of clauses *d*, *e* and *f*; and
- (h) when the trust is terminated, forthwith notify the Commission thereof.

Year
1975

(5) For the purposes of this Act, the period from 3:00 o'clock in the afternoon on the 13th day of February, 1975, to and including the 31st day of December, 1975 shall be deemed to be the calendar year 1975.

**COMMISSION ON ELECTION
CONTRIBUTIONS AND EXPENSES**

Commission
established

2.—(1) A commission is hereby established to be known as the Commission on Election Contributions and Expenses and composed of,

- (a) two persons as nominees of each political party that is represented in the Assembly by four or more members of the Assembly and that nominated candidates in at least 50 per cent of the electoral districts in the most recent general election appointed, on the recommendation of the leader of the party, by the Lieutenant Governor in Council for a term of not more than five years;
- (b) a bencher of the Law Society of Upper Canada appointed by the Lieutenant Governor in Council for a term of not more than five years to hold office only while he remains a bencher;
- (c) the Chief Election Officer; and
- (d) the chairman of the Commission who shall be appointed by the Lieutenant Governor in Council for a term of not more than ten years.

Vice-
chairman

(2) The members of the Commission shall elect one of the members appointed under clause *a* as vice-chairman to serve as such for not more than two years.

Absence of
chairman

(3) In the absence of the chairman, the vice-chairman may act as chairman.

Meetings

(4) The Commission shall meet on the call of the chairman or of five or more members.

Quorum

(5) Five or more members of the Commission and the chairman or vice-chairman constitute a quorum.

Members not
to hold
office with
or contribute
to party

(6) Members of the Commission shall not, during their term of office, be members of the Assembly or hold office in any political party or constituency association or make contributions to any political party or constituency association.

(7) Any member of the Commission may be reappointed <sup>Reappoint-
ment</sup> for one additional term.

(8) The chairman of the Commission shall be paid such <sup>Remunera-
tion of
members</sup> salary and the other members except the Chief Election Officer shall be paid such *per diem* allowances as may be determined by the Lieutenant Governor in Council.

3.—(1) The Commission may employ an Executive Director, legal counsel, auditors and such staff as it considers necessary to properly carry out its responsibilities under this Act.

(2) The Commission may lease such premises and acquire <sup>Office
accommoda-
tion and
supplies</sup> such equipment and supplies as are necessary to properly carry out its responsibilities under this Act.

4.—(1) The Commission, in addition to its other powers <sup>Powers and
duties</sup> and duties under this Act, shall,

- (a) assist political parties, constituency associations and candidates registered under this Act in the preparation of returns required under this Act;
- (b) ensure that every registered constituency association and registered candidate has appropriate auditing services in order to properly comply with this Act;
- (c) examine all financial returns filed with the Commission;
- (d) conduct periodic investigations and examinations of the financial affairs and records of registered political parties and constituency associations and of registered candidates in relation to election campaigns;
- (e) reimburse candidates for election expenses in accordance with section 44;
- (f) recommend any amendments to this Act that the Commission considers advisable;
- (g) report to the Attorney General any apparent contravention of this Act;
- (h) prescribe forms and the contents thereof for use under this Act and provide for their use;

- (i) prepare, print and distribute forms for use under this Act;
- (j) provide such guide lines as it considers necessary for the guidance of auditors and political parties, constituency associations and candidates and any of the officers thereof; and
- (k) publish a summary of each candidate's election receipts, expenses and subsidy in a newspaper having a general circulation in the electoral district in which he was a candidate.

Annual report

(2) The Commission shall report annually upon the affairs of the Commission to the Speaker of the Assembly who shall cause the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Powers of Commission under 1971, c. 49

5. For the purpose of carrying out any investigation or examination under this Act, the Commission has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such investigation or examination as if it were an inquiry under that Act.

Powers of inspection

6. For the purposes of an investigation or examination under this Act, a representative of the Commission, upon production of his authorization from the Commission to enter the premises (referred to in the authorization) in which the books, papers and documents of a political party, constituency association or candidate relevant to the subject-matter of the investigation or examination are kept, may at any reasonable time enter such premises and examine such books, papers and documents.

Information

7. Such information with respect to the affairs of a registered party or registered constituency association that is reasonably required in respect of its duties under this Act as the Commission may request shall be provided by the registered party or constituency association within thirty days after receiving a written request therefor from the Commission or within such extended period as the Commission may determine.

Expenditures of Commission

8. The remuneration of the members of the Commission and the expenditures required for the operation of the Commission are payable, until the 31st day of March, 1975, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature.

9. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor.

REGISTRATION

10.—(1) No political party and no person acting for the political party shall accept contributions for the political party or for any constituency association unless the political party is registered under this Act.

(2) Any political party that,

- (a) held a minimum of four seats in the Assembly following the most recent election;
- (b) nominated candidates in at least 50 per cent of the electoral districts in the most recent general election;
- (c) nominates candidates in at least 50 per cent of the electoral districts following the issue of a writ for a general election; or
- (d) at any time other than during a campaign period provides the Commission with the names, addresses and signatures of 10,000 persons who,
 - (i) are eligible to vote in an election, and
 - (ii) attest to the registration of the political party concerned,

may apply to the Commission for registration in the register of political parties.

(3) The Commission shall maintain a register of political parties and subject to this section shall register therein any political party that is qualified to be registered and that files an application for registration with the Commission, setting out,

- (a) the full name of the political party;
- (b) the political party name or abbreviation to be shown in any election documents;
- (c) the name of the leader of the political party;
- (d) the address of the place where records of the political party are maintained and to which communications may be addressed;

- (e) the names of the principal officers of the political party;
- (f) the name of the chief financial officer of the political party;
- (g) the names of all persons authorized by the political party to accept contributions;
- (h) the name and address of every chartered bank, trust company or other financial institution that is lawfully entitled to accept deposits to be used by the political party as the depository for contributions made to that political party;
- (i) the names of the political party signing officers responsible for the depository referred to in clause h; and
- (j) an audited balance sheet of the political party as of a date not earlier than ninety days prior to the date of its application for registration.

**Registration
by
Commission** (4) Upon receipt of an application for registration of a political party, the Commission shall examine the application and determine if the political party can be registered, and,

- (a) if the political party can be registered, enter it in the register of political parties and so inform the political party; or
- (b) if the political party cannot be registered, so inform the political party with written reasons for its determination.

**Name of
political
party**

(5) The Commission shall not register a political party where the name of the party includes the word "independent" or where in the opinion of the Commission the name or the abbreviation of the name of the party so nearly resembles the name or abbreviation of the name of a registered party as to be likely to be confused with that registered party.

**Variation
of register**

(6) Where any of the information referred to in clauses a to i of subsection 3 is altered, the registered party shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of political parties accordingly.

11.—(1) No constituency association of a registered party and no person acting for the constituency association shall accept contributions for the constituency association or for the registered party unless the constituency association is registered under this Act.

(2) The Commission shall maintain a register of constituency associations and, subject to this section, shall register therein any constituency association of a registered party that files an application for registration with the Commission setting out,

- (a) the full name of the constituency association and of the registered party by which it is endorsed;
- (b) the address of the place where records of the constituency association are maintained and to *which communications may be addressed;
- (c) the names of the principal officers of the constituency association;
- (d) the name of the chief financial officer of the constituency association;
- (e) the names of all persons authorized by the constituency association to accept contributions;
- (f) the name and address of the chartered bank, trust company or other financial institution that is lawfully entitled to accept deposits to be used by the constituency association as the depository for all contributions made to that constituency association;
- (g) the names of the constituency association signing officers responsible for the depository referred to in clause f; and
- (h) an audited balance sheet of the constituency association as of a date not earlier than ninety days prior to the date of its application for registration.

(3) Upon receipt of an application for registration of a constituency association, the Commission shall examine the application and determine if the constituency association can be registered and,

- (a) if the constituency association can be registered, enter it in the register of constituency associations and so inform the constituency association; or

- (b) if the constituency association cannot be registered, so inform the constituency association with written reasons for its determination.

Variation
of
register

(4) Where any of the information referred to in clauses *a* to *g* of subsection 2 is altered, the registered constituency association shall notify in writing the Commission within thirty days of any such alteration and, upon receipt of any such notice, the Commission shall vary the register of constituency associations accordingly.

Application
of
registration
provisions
to certain
parties

12. Sections 10 and 11 do not apply to any political party or its constituency associations, except the political parties and their constituency associations that are deemed by section 13 to be registered under this Act, until the date named in a notice published by the Commission in *The Ontario Gazette* as the first day upon which applications for registration of political parties and constituency associations will be received for filing by the Commission.

Certain
political
parties and
constituency
associations
deemed
registered

13.—(1) Every political party that is qualified under clause *a* of subsection 2 of section 10 to be registered under this Act shall be deemed to be registered under this Act as of 3:00 o'clock in the afternoon on the 13th day of February, 1975 and each constituency association of such political party shall be deemed to be registered under this Act as of 3:00 o'clock in the afternoon on the 13th day of February, 1975.

Application
required

(2) When a political party or a constituency association referred to in subsection 1 or 5 receives a request in writing from the Commission to file an application for registration under this Act, it shall immediately comply with such request and when the political party or constituency association becomes registered as the result of the application therefor, subsection 1 ceases to apply to it.

Receipt of
contributions
before
registration
following
application

(3) Where contributions are received by or on behalf of a political party or constituency association referred to in subsection 1, during the period from 3:00 o'clock in the afternoon on the 13th day of February, 1975, to and including the day it becomes registered as a result of an application therefor under subsection 2, notwithstanding any other provision of this Act, the political party and constituency association shall cause each contribution accepted by it to be recorded as to amount and source and deposited in an account in a chartered bank, trust company or other institution that is lawfully entitled to accept deposits and shall issue receipts therefor in accordance with this Act within a reasonable time after it becomes registered as the result of an application therefor under subsection 2.

(4) Any constituency association referred to in subsection 1 that by reason of *The Representation Act, 1975*,
Constituency associations abolished or replaced by changes in electoral districts 1975, c. ...

(a) is abolished, shall be deemed never to have been registered under subsection 1; or

(b) is replaced by another constituency association, such other constituency association shall be deemed to be an association referred to in subsection 1.

(5) Any new constituency association endorsed by a political party referred to in subsection 1 that was formed by reason of *The Representation Act, 1975* and that does not replace a constituency association referred to in subsection 1 shall be deemed to be registered under this Act on the date of its formation.
New constituency association

14.—(1) The Commission may deregister,

Deregistration of parties and constituency associations on application

(a) a registered party on an application therefor by the registered party; or

(b) a registered constituency association on an application therefor by the constituency association and the registered party concerned.

(2) Where the chief financial officer of a registered party or registered constituency association fails to comply with section 41 or 42, the Commission may deregister the registered party or constituency association, as the case may be.
For non-compliance with certain provisions of Act

(3) Where under subsection 2 the Commission proposes to deregister,
Notice of proposal to deregister party or association

(a) a political party, it shall send by registered mail notice of its proposal with written reasons therefor to the political party; or

(b) a constituency association, it shall send by registered mail notice of its proposal with written reasons therefor to the constituency association and the political party concerned,

and the political party or constituency association so notified, within thirty days after the sending of the notice, may request the Commission in writing to review its proposal.

Review

(4) Where the Commission receives a written request to review its proposal, it shall review the proposal and give the political party and constituency association notified under subsection 3, an opportunity to make representation to the Commission and following a review of the proposal, the Commission may withdraw its proposal or deregister the political party or constituency association, as the case may be, and shall,

- (a) where the proposed deregistration involves a political party, notify it in writing; and
- (b) where the proposed deregistration involves a constituency association, notify in writing the constituency association and the political party concerned,

of its decision.

Party and associations thereof deregistered

(5) Where a political party is deregistered, the registered constituency associations of such political party are thereby also deregistered.

Reregistration

(6) Where a political party or constituency association is deregistered for failure to comply with section 41 or 42, it may not apply for registration until the audited financial statement that was not filed and that was the cause of deregistration has been filed with the Commission.

Disposition of funds upon deregistration

(7) Where a political party or constituency association is deregistered, all funds of the political party or constituency association not required to pay any outstanding debts thereof shall be paid over to the Commission and held by the Commission in trust for the political party or constituency association and, if the political party or constituency association does not become registered under this Act within a period of two years following its deregistration, the funds shall escheat to the Commission to be used by the Commission in carrying out its responsibilities under this Act.

Registration of candidate

15.—(1) No candidate and no person acting on his behalf shall accept contributions or use the candidate's own funds in a campaign period unless the candidate is registered under this Act.

Application for registration

(2) The Commission shall maintain a register of candidates in relation to each election held after this section comes into force and, subject to this section, shall register

therein any candidate that files an application for registration with the Commission setting out,

(a) that he,

- (i) has been duly nominated in accordance with *The Election Act* in the electoral district R.S.O. 1970, c. 142 of ,
- (ii) has not been duly nominated in accordance with *The Election Act* but has been nominated by the constituency association of (state name of registered party) in the electoral district of and has enclosed with his application a statement to that effect attested to by the chief financial officer of the association, or
- (iii) has not been duly nominated in accordance with *The Election Act* but, after the issue of a writ for an election in an electoral district, has declared himself an independent candidate at the election in the electoral district of ;

(b) the full name and address of the candidate;

(c) the political party affiliation, if any, of the candidate;

(d) the address of the place where records of the candidate are maintained and to which communications may be addressed;

(e) the name of the chief financial officer of the candidate;

(f) the names of all persons authorized by the candidate to accept contributions;

(g) the name and address of the chartered bank, trust company or other financial institution that is lawfully entitled to accept deposits to be used by the candidate as the depository for all contributions made to that candidate; and

(h) the names of the persons responsible for the depository referred to in clause g.

(3) A candidate who files an application under sub-
section 2, Effective date of registration

(a) prior to the issue of a writ for an election shall be deemed to be registered effective from the issue of the writ; and

(b) after the issue of a writ for an election shall be deemed to be registered on and after the day following the day of filing.

Mailing of application deemed filing

(4) An application under subsection 2 may be filed with the Commission by registered mail in which case it shall be deemed to be filed on the second day after it is mailed.

Deregistration where candidacy withdrawn
R.S.O. 1970,
c. 142

(5) Where a registered candidate who was duly nominated in accordance with *The Election Act* withdraws his candidacy in accordance with that Act or a person who becomes registered before becoming so nominated does not become nominated as a candidate in accordance with *The Election Act*, he shall so notify the Commission in writing and the Commission shall delete his name from the register of candidates.

Inspection of information on file with Commission

16.—(1) All documents filed with the Commission are public records and may be inspected by any person upon request at the offices of the Commission during normal office hours.

Extracts

(2) Any person may take extracts from the documents referred to in subsection 1 and is entitled to copies thereof upon payment for the preparation of the copies at such rate as the Commission may determine.

CONTRIBUTIONS

Contributors and how contributions to be made

17.—(1) Contributions to political parties, constituency associations and candidates registered under this Act may be made only by persons individually, corporations and trade unions.

How contributions of money to be made

(2) Moneys contributed to political parties, constituency associations and candidates registered under this Act in amounts in excess of \$10 shall be made only by a cheque having the name of the contributor legibly printed thereon signed by the contributor and drawn on an account in the contributor's name or by a money order signed by the contributor.

Depositing of contributions

(3) All moneys accepted by or on behalf of a political party, constituency association or candidate registered under this Act shall be paid into the appropriate depository on record with the Commission.

18. Any anonymous contribution received by a political party, constituency association or candidate registered under this Act shall not be used or expended, but shall be returned to the contributor if the contributor's identity can be established, and if the contributor's identity cannot be established, the contribution shall be paid over to the Commission and become part of the funds of the Commission to be used by the Commission in carrying out its responsibilities under this Act.

19.—(1) Contributions by any person, corporation or trade union to political parties, constituency associations and candidates registered under this Act are limited to those set out in clauses *a* and *b* and shall not exceed,

(*a*) in any year,

(i) \$2,000 to each registered party, and

(ii) \$500 to any registered constituency association but in respect of registered constituency associations of a registered party an aggregate of \$2,000 to constituency associations of each registered party; and

(*b*) in any campaign period in addition to contributions authorized under clause *a*,

(i) \$2,000 in relation to the election in such period to each registered party, and

(ii) \$500 in relation to the election in such period to any registered candidate, but in respect of candidates endorsed by a registered party, an aggregate of \$2,000 to registered candidates of each registered party.

(2) Where writs for two or more by-elections bear the same date and provide for the same polling day, all such by-elections shall be deemed one election for the purposes of clause *b* of subsection 1.

(3) Any moneys to be used for a political campaign by a candidate out of his own funds shall be deemed to be a contribution for the purposes of this Act and shall be paid into the depository on record with the Commission.

20.—(1) Subject to section 31, no person, corporation or trade union shall contribute to any political party, constituency association or candidate registered under this Act

funds not actually belonging to him or it or any funds that have been given or furnished to him or it by any person or group of persons or by a corporation or trade union for the purpose of making a contribution thereof.

Prohibition
to accept
contribu-
tions
contrary to
subsection 1

(2) No political party, constituency association or candidate registered under this Act, and no person on its or his behalf shall solicit or knowingly accept any contribution contrary to the provisions of subsection 1.

Return of
contribution

(3) Where the chief financial officer learns that any contribution received by or on behalf of the political party, constituency association or candidate for whom he acts was made contrary to subsection 1, he shall, within thirty days after learning that the contribution was made contrary to subsection 1, return the contribution or an amount equal to the sum contributed.

Funds from
federal
parties
1973-74,
c. 51 (Can.)

21. No political party, constituency association or candidate registered under this Act shall accept funds from a federal political party registered under the *Election Expenses Act* (Canada) except during a campaign period during which a registered party may accept from such a federal political party an amount not exceeding, in the aggregate, \$100 for each registered candidate endorsed by that registered party and such funds shall be considered not to be contributions for the purposes of this Act but shall be recorded as to source and deposited in the appropriate depository on record with the Commission.

Value of
goods and
services

22.—(1) The value of goods and services, other than those that are not contributions under clause g of subsection 1 of section 1, contributed to a political party, constituency association or candidate registered under this Act shall be,

(a) where the contributor is in the business of supplying such goods or services, the lowest amount charged by him or it for an equivalent amount of the same goods and services at or about the time the goods or services are contributed; and

(b) where the contributor is not in the business of supplying such goods or services, the lowest amount charged, at or about the time the goods or services are contributed, by any other person or corporation providing the same goods or services on a commercial retail basis or services on a commercial basis in the market area in which the goods or services are contributed.

(2) Only,

- (a) a contribution of goods or services having a value of more than \$100; and
- (b) contributions of goods or services from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate have a value of more than \$100,

Amount
over \$100
considered
contribu-
tions

shall be considered as a contribution for the purposes of this Act.

23.—(1) Where any person, corporation or trade union with the knowledge and consent of a political party or candidate registered under this Act promotes the political party or the election of the candidate or opposes any other registered party or the election of any other registered candidate by advertising on the facilities of any broadcasting undertaking or by publishing an advertisement in any newspaper, magazine or other periodical publication or printed leaflets, pamphlets or other documents or through the use of any outdoor advertising facility and the amount of the cost thereof,

Advertising
as con-
tribution

- (a) in the case of any such single advertisement or publication is more than \$100; and
- (b) in the case of any such advertisements and publications from a single source published in any year, excluding any campaign period or part thereof in that year, or in any campaign period in the aggregate exceeds \$100,

such amount shall be considered as a contribution for the purposes of this Act to the political party or candidate with whose knowledge and consent the advertising was done.

(2) No person, corporation, trade union or registered party or constituency association shall cause any political advertisement to be published in any newspaper, magazine or other periodical publication or through the use of any outdoor advertising facility unless he or it furnishes to the publisher of the advertisement his or its identification, in writing, together with the identification, in writing, of any person, corporation or trade union or registered party or constituency association sponsoring the political advertisement.

Identifica-
tion

Inspection
of
publisher's
records

(3) Any publisher who publishes a political advertisement shall maintain records for a period of two years after the date of publication setting forth such advertisement, the charge therefor and any material relating to identification furnished to him in connection therewith and shall permit the public to inspect such records during normal office hours.

Political
advertiseme-
nt

(4) For the purposes of subsections 2 and 3, "political advertisement" means any matter promoting or opposing any registered party or the election of any registered candidate but does not include any *bona fide* news stories (including interviews, commentaries or other works prepared for and published by any newspaper, magazine or other periodical publication the publication of which works are not paid for by or on behalf of any political party, constituency association or candidate).

Fund-
raising
events

24.—(1) In this section, "fund-raising function" includes suppers, dances, garden parties and any other social function held for the purpose of raising funds for the political party, constituency association or candidate registered under this Act by whom or on whose behalf the function is held.

Income
to be
reported

(2) The gross income from any fund-raising function shall be recorded and reported to the Commission by the chief financial officer of the political party, constituency association or candidate registered under this Act that held or on whose behalf the function was held.

When part of
individual
charge
considered
contribution

(3) Where an individual charge by the sale of tickets or otherwise is made for a fund-raising function, half of the charge shall be allowed for expenses and, where the amount of the other half of the charge exceeds \$10, such amount shall be considered a contribution to the political party, constituency association or candidate registered under this Act that held or on whose behalf the function was held, provided that where the individual charge is \$50 or more the amount allowed for expenses shall be \$25 and the amount of the charge in excess of \$25 shall be considered a contribution.

Funds
raised

(4) Except as provided in subsection 3, funds raised by a fund-raising function shall be considered not to be contributions for the purposes of this Act.

Receipts

25. Every political party, constituency association or candidate registered under this Act shall issue or cause to be issued receipts as required by the Commission for every contribution accepted.

26.—(1) Any contribution to a political party, constituency association or candidate registered under this Act made through any unincorporated association or organization, except a trade union, shall be recorded by the unincorporated association or organization as to the individual sources and amounts making up such contribution.

(2) The amounts making up a contribution under sub-section 1 that are attributable to any person, corporation or trade union are contributions of such person, corporation or trade union for the purposes of this Act.

27. A registered party, and any of its constituency associations or official candidates registered under this Act may transfer to or accept funds, goods and services from each other and all such funds, goods and services accepted by such political party, constituency association or candidate shall be considered not to be contributions for the purposes of this Act but shall be recorded as to source and any funds accepted shall be deposited in the appropriate depository on record with the Commission.

28.—(1) No political party, constituency association or candidate registered under this Act and no person on its or his behalf shall knowingly accept any contributions in excess of the limits imposed by this Act.

(2) Where the chief financial officer learns that any contribution was accepted by or on behalf of the political party, constituency association or candidate for whom he acts in excess of the limits imposed by this Act, he shall, within thirty days after learning thereof, return the contribution or an amount equal to the sum contributed.

29.—(1) No political party, constituency association or candidate registered under this Act shall, directly or indirectly,

(a) knowingly accept contributions from any person normally resident outside Ontario, from any corporation that does not carry on business in Ontario or from a trade union other than a trade union as defined in this Act; or

(b) contribute or transfer funds to any political party, constituency association or candidate not registered under this Act.

(2) Where the chief financial officer learns that any contribution was accepted by or on behalf of the political party, constituency association or candidate for whom he acts from

any person normally resident outside Ontario or from any corporation that does not carry on business in Ontario, he shall, within thirty days after learning thereof, return the contribution or an amount equal to the sum contributed.

Annual membership fees

30. An annual membership fee paid for membership in a political party or in a constituency association of such party or in both shall not be considered as a contribution for the purposes of this Act provided such fee or, where a fee is paid to the party and to a constituency association of that party, the total of such fees does not exceed \$10 and the political party and constituency association maintain a membership list indicating the amount of such fee or fees paid by each member that is allocated to the political party or constituency association, as the case may be.

Trade unions check-off

31. Contributions of not more than 10 cents per month by any member of a bargaining unit represented by a trade union through payroll deductions shall not be considered contributions from a person for the purposes of this Act, but any amounts contributed to a political party, constituency association or candidate registered under this Act from such funds shall be deemed to be a contribution from the trade union.

Who may receive contributions for candidate

32. No contribution shall be received by a registered candidate otherwise than through his chief financial officer or other person on record with the Commission as authorized to receive contributions.

Chief financial officer, of party or association

33.—(1) Every political party and constituency association that is applying for registration under this Act, before filing its application with the Commission, and every political party and constituency association that is deemed by section 13 to be registered under this Act, within 30 days after it is deemed to be registered, shall appoint a chief financial officer.

of candidate R.S.O. 1970, c. 142

(2) Every candidate shall appoint a chief financial officer for the purposes of this Act.

Idem

(3) Where a chief financial officer appointed pursuant to subsection 1 or 2 ceases for any reason to hold office as such, the political party, constituency association or candidate, as the case may be, shall forthwith appoint another chief financial officer.

Responsibilities

(4) The chief financial officer of a political party, constituency association and candidate registered under this Act in relation to the affairs of the party, constituency associa-

tion or candidate that appointed him, shall be responsible for ensuring that,

- (a) proper records are kept of all receipts and expenditures;
- (b) contributions are placed in the appropriate depository;
- (c) proper receipts are completed and dealt with in accordance with this Act;
- (d) the accounts and financial transactions are audited;
- (e) financial statements are filed with the Commission in accordance with this Act; and
- (f) contributions consisting of goods or services are valued and recorded in accordance with this Act.

34.—(1) Where any person, on behalf of a political party, ^{Recording of contributions} constituency association or candidate registered under this ^{tributions} Act accepts in any year,

- (a) a single contribution in excess of \$10; or
- (b) contributions from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate exceed \$10,

the chief financial officer shall record all such contributions and in the case of a single contribution of more than \$100 and contributions from a single source in any year, excluding any campaign period or part thereof in that year, or in any campaign period that in the aggregate exceed \$100, the name and address of the contributor.

(2) All contributions referred to in subsection 1 accepted ^{Recording of contributions for election campaign to be separate from annual contributions} on behalf of a political party, constituency association or candidate registered under this Act during a campaign period in any year shall be recorded separately from other contributions accepted during that year.

(3) Every political party, constituency association and ^{Returns} candidate registered under this Act shall file with the Commission,

- (a) within the period during which a financial statement must be filed relating to a campaign period, a

return setting out all the information required to be recorded under subsections 1 and 2 by the political party, constituency association or candidate relating to the campaign period; and

- (b) within the period during which an annual financial statement must be filed, a return setting out all the information required to be recorded under subsection 1, excluding the information required to be included in a return under clause *a*.

BORROWING

Borrowing
by parties,
etc.

35. A political party, constituency association or candidate registered under this Act may borrow from any chartered bank or other recognized lending institution provided that all such loans and the terms thereof are recorded by the political party, constituency association or candidate and reported by it or him to the Commission.

LOANS

Guarantee
of loans
to parties,
etc.,
prohibited

36.—(1) No person, corporation, trade union, or unincorporated association or organization shall sign, co-sign or provide collateral responsibility for any loan, monetary obligation or indebtedness on behalf or in the interest of any political party, constituency association or candidate registered under this Act.

Parties,
etc., not
to accept
loans

(2) No political party, constituency association or candidate registered under this Act shall receive any contribution from any person, corporation, trade union, or unincorporated association or organization in the form of a loan other than from a registered party or registered constituency association.

Exception

(3) Subsections 1 and 2 do not apply to a guarantee of a loan referred to in section 35.

CAMPAIGN ADVERTISING

Period of
campaign
advertising
limited

37.—(1) No political party, constituency association or candidate registered under this Act and no person acting with its or his knowledge and consent shall, after the issue of a writ for an election and before the day immediately following polling day, except during the period of twenty-one days immediately preceding the day before polling day,

- (a) advertise on the facilities of any broadcasting undertaking; or

- (b) procure for publication, cause to be published or consent to the publication of, except during such period, an advertisement in a newspaper, magazine or other periodical publication or through the use of outdoor advertising facilities,

for the purpose of promoting or opposing any registered party or the election of a registered candidate.

(2) Subsection 1 does not apply,

Exceptions

- (a) to advertising of public meetings in constituencies;
- (b) to announcing constituency headquarters locations;
- (c) to announcing services for voters by constituency associations respecting enumeration and revision of lists of voters; or
- (d) to any other matter respecting administrative functions of constituency associations.

(3) No person or corporation shall charge a registered party, constituency association or candidate, or any person acting with its or his knowledge and consent, a rate for an advertisement in a periodical publication published or disbursed and made public in the period beginning on the twenty-first day before the day immediately before polling day and ending on the second day before polling day that exceeds the lowest rate charged by him or it for an equal amount of equivalent advertising space in the same issue of the periodical or in any other issue thereof published or disbursed and made public in that period.

38. The total expenses incurred for advertising by a political party, constituency association or candidate registered under this Act, including advertising done by any person, corporation or trade union with the knowledge and consent of the political party, constituency association or candidate, by the use of time on the facilities of any broadcasting undertaking or by publishing in any newspaper, magazine or other periodical publication or by display through the use of any outdoor advertising facility shall not, during the period referred to in subsection 1 of section 37 exceed,

- (a) by a registered party in relation to a general election, the aggregate amount determined by multiplying 25 cents by the number of names appearing on all of the revised lists of voters at the election for the electoral districts in which there is an official candidate of the party;

- (b) by a registered party in relation to a by-election in an electoral district, the amount determined by multiplying 50 cents by the number of names appearing on the revised list of voters for the electoral district; and

(c) by,

- (i) a registered constituency association of a registered party and the official candidate of such party in an electoral district, or
- (ii) an independent candidate in an electoral district,

the amount determined by multiplying 25 cents by the number of names appearing on the revised list of voters for the electoral district.

FOUNDATION

Establishment of foundation

39.—(1) A political party may, prior to filing an application for registration under this Act, establish a non-profit corporation as a foundation for the purposes of receiving and managing the assets held by the political party immediately prior to filing such application provided that,

R.S.C. 1970,
c. B-1
R.S.O. 1970,
c. 254

- (a) all the assets of the foundation shall consist of deposits with The Province of Ontario Savings Office, a bank to which the *Bank Act* (Canada) applies or a trust company registered under *The Loan and Trust Corporations Act*;
- (b) income shall be restricted to interest on the deposits referred to in clause *a*;
- (c) no funds or other property shall be received by or transferred to the foundation after the filing of an application for registration of that political party; and
- (d) the foundation shall file with the Commission, on or before the 30th day of April in each year, a report of the expenditures of the foundation during the previous year.

Foundation funds not contributions

(2) Funds transferred by the foundation to a political party, constituency association or candidate are not contributions for the purposes of this Act but shall be recorded as to amount and source by the recipient of the funds.

AUDITORS

40.—(1) Every candidate, at the time of appointment of his chief financial officer, and every registered party and registered constituency association, within thirty days after becoming registered under this Act, shall appoint an auditor licensed under *The Public Accountancy Act*.

R.S.O. 1970,
c. 373

(2) Where an auditor appointed pursuant to subsection 1 ceases for any reason to hold office as such, ceases to be qualified as provided in subsection 1 or becomes ineligible as provided in subsection 3, the candidate, party or constituency association, as the case may be, shall forthwith appoint another auditor.

(3) No returning officer, deputy returning officer or election clerk and no candidate, official agent or chief financial officer of a candidate or chief financial officer of a registered party or constituency association shall act as the auditor for a candidate or registered party or constituency association.

(4) The auditor appointed pursuant to subsection 1 shall make a report to the chief financial officer of the candidate, political party or constituency association that appointed him and shall make such examinations as will enable him to state in his report whether in his opinion the report presents fairly the information contained in the accounting records on which the report is based.

(5) An auditor, in his report pursuant to subsection 4, shall make such statements as he considers necessary in any case where,

(a) he has not received from the chief financial officer all the information and explanation that he has required; or

(b) proper accounting records have not been kept by the chief financial officer so far as appears from his examination.

(6) An auditor appointed pursuant to subsection 1 shall have access at all reasonable times to all records, documents, books, accounts and vouchers of the candidate, political party or constituency association that appointed him and is entitled to require from his or its chief financial officer such information and explanation as in his opinion may be necessary to enable him to report as required by subsection 4.

Audit
subsidy

(7) The Commission shall subsidize the cost of auditors' services for constituency associations and candidates by paying,

- (a) to the auditor of each constituency association in respect of an audit for the association under section 41 and under section 42, the lesser of \$100 and the amount of the auditor's account to the association; and
- (b) to the auditor of a candidate in respect of an audit for the candidate under section 42, the lesser of \$250 and the amount of the auditor's account to the candidate.

AUDIT

Annual
audit

41.—(1) The accounts and financial transactions, excluding campaign receipts and expenditures relating to an election during a campaign period, of every political party and constituency association registered under this Act shall be audited annually by an auditor licensed under *The Public Accountancy Act*.

R.S.O. 1970,
c. 373

Annual
filing of
financial
statement

(2) The chief financial officer of every political party and constituency association registered under this Act shall, on or before the 30th day of April in the year 1976 and in each year thereafter, file with the Commission an audited financial statement of the accounts and financial transactions in the previous year of the political party or constituency association for which he acts excluding campaign receipts and expenditures relating to an election during a campaign period.

Where
registration
within four
months of
end of year

(3) Where a political party or constituency association becomes registered under this Act within the last four months of any year, the financial statement filed with its application for registration shall be deemed compliance with subsection 1 in relation to that year.

Audit for
campaign
period

R.S.O. 1970,
c. 373

Filing of
financial
statement
re campaign
period

42.—(1) The accounts and financial transactions in relation to campaign receipts and expenditures relating to an election during a campaign period of every political party, constituency association and candidate registered under this Act shall be audited by an auditor licensed under *The Public Accountancy Act*.

(2) The chief financial officer of every political party, constituency association and candidate registered under this Act shall, within five months after polling day, file with the Commission an audited financial statement of the accounts

and financial transactions of the political party, constituency association or candidate for which he acts relating to the election during the campaign period.

(3) In relation to a by-election, subsection 2 applies only ^{By-elections} to registered parties and constituency associations that received contributions or made expenditures in relation to such by-election and to registered candidates at such by-election.

(4) In this section, "candidate" means a person who is ^{Candidate} duly nominated as a candidate at an election in accordance with *The Election Act.*

R.S.O. 1970,
c. 142

43.—(1) Where the chief financial officer of a registered candidate who is not declared elected fails to file an audited financial statement as required by section 42, the candidate, in addition to any other penalty, is ineligible to stand as a candidate at any election up to and including the next general election.

(2) Where the chief financial officer of a registered candidate who is elected as a member of the Assembly fails to file an audited financial statement in accordance with section 42, the Commission shall notify the Speaker who shall inform the Assembly and if the Assembly finds no mitigating reason for non-compliance, the member may not resume his seat in the Assembly until he or his chief financial officer has filed such statement with the Commission and the Commission has so notified the Speaker, and, in addition, the member is liable to any other penalty that may be imposed under any Act.

PUBLIC FUNDING OF CANDIDATE EXPENSES

44.—(1) Every registered candidate in an electoral district who receives at least 15 per cent of the popular vote in such electoral district is entitled to be reimbursed by the Commission by the lesser of his election expenses as shown on his audited financial statement filed with the Commission or the amount that is the aggregate of 16 cents for each of the first 25,000 voters in his electoral district and 14 cents for each voter in excess of 25,000 in his electoral district.

Reimburse-
ment of
election
expenses

(2) In relation to candidates in the electoral districts of ^{Idem} Cochrane North, Rainy River, Kenora and Thunder Bay, the amount determined under subsection 1 shall be increased by \$2,500.

No reimbursement unless financial statement filed

(3) A candidate is not entitled to be reimbursed for expenses under subsection 1 unless he or his chief financial officer has filed an audited financial statement as required by section 42 and the Commission is satisfied that such statement meets the requirements of this Act.

Moneys to be applied to discharge debts of candidate

(4) Where the candidate's financial statement shows a deficit and the candidate is entitled to be reimbursed for expenses under subsection 1, the moneys payable to his chief financial officer shall be first applied to discharge the debts creating the deficit.

Surplus in candidate's account

(5) Any surplus, determined by taking into account in the financial statement of an official candidate for a registered party the moneys paid to the candidate's chief financial officer under this section, shall be paid over to one or more registered parties or registered constituency associations.

Voter

(6) In this section "voter" in an electoral district means a person whose name appears on the revised list of voters for that electoral district.

FORMS

Form

45. All applications, returns, statements, balance sheets, and other documents required to be filed with the Commission shall be filed in the form prescribed therefor by the Commission.

OFFENCES

Offence by chief financial officer

46.—(1) The chief financial officer of a political party, constituency association or candidate registered under this Act who contravenes section 41 or 42 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Offence by party or constituency association

(2) Where any contravention of this Act that is an offence by virtue of subsection 1 is committed by a chief financial officer of a political party, constituency association or candidate registered under this Act, the political party or constituency association or candidate for which the chief financial officer acts is guilty of an offence and on summary conviction is liable,

(a) in the case of a registered party, to a fine of not more than \$2,000; and

(b) in the case of a registered constituency association or registered candidate, to a fine of not more than \$1,000.

47. Every corporation or trade union that contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000. Offence by corporation or union

48. Every person, political party or constituency association that contravenes any of the provisions of this Act, for which contravention no penalty is otherwise provided, is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. General offence

49. No person shall obstruct a person making an investigation or examination under this Act or withhold from him or conceal or destroy any books, papers, documents or things relevant to the subject-matter of the investigation or examination. Offence for obstructing investigation

50. No person shall knowingly make a false statement in any application, return, financial statement or other document filed with the Commission under this Act. Offence for false statement

51. No person shall knowingly give false information to a chief financial officer or other person authorized to accept contributions. Offence for false information

52.—(1) A prosecution for an offence under this Act may be instituted against a political party, constituency association or trade union in the name of the political party, constituency association or trade union and for the purposes of any such prosecution, a political party, constituency association or trade union shall be deemed to be a person. Style of prosecution of party, constituency association or union

(2) Any act or thing done or omitted by an officer, official or agent of a political party, constituency association or trade union within the scope of his authority to act on behalf of the political party, constituency association or trade union shall be deemed to be an act or thing done or omitted by the political party, constituency association or trade union. Vicarious responsibility

53.—(1) Subsection 1 of section 158 of *The Election Act*, R.S.O. 1970, c. 142, s. 158(1), being chapter 142 of the Revised Statutes of Ontario, 1970, amended as renumbered by the Statutes of Ontario, 1971, chapter 100, section 10, is amended by striking out “No contribution, payment, loan, gift, advance or deposit of money or its equivalent in excess of \$50 shall be received by or on behalf of a candidate and” in the first, second and third lines.

(2) Section 161 of the said Act, as renumbered by the Statutes of Ontario, 1971, chapter 100, section 10, is repealed. s. 161(1), repealed

Commencement **54.**—(1) This Act, except sections 1 and 13, sections 17 to 22, subsection 1 of section 23, section 24, sections 26 to 31, sections 33 to 36, sections 47, 48, 51, 52 and 53, comes into force on the day it receives Royal Assent.

Idem (2) Sections 1 and 13, sections 17 to 22, subsection 1 of section 23, section 24, sections 26 to 31, sections 33 to 36, sections 47, 48, 51, 52 and 53 shall be deemed to have come into force at 3:00 o'clock in the afternoon on the 13th day of February, 1975.

Short title **55.** This Act may be cited as *The Election Finances Reform Act, 1974.*

An Act to regulate
Political Party Financing and
Election Contributions and Expenses

1st Reading

February 13th, 1975

2nd Reading

3rd Reading

THE HON. W. G. DAVIS
Premier

(Government Bill)

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23-24 ELIZABETH II, 1974

Government
Publications

An Act to amend The Ontario Energy Board Act

MR. YOUNG



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to expand the jurisdiction of the Board to enable it to approve terms and conditions of supply agreements between the companies and the consumer, particularly in the area of water heater and conversion burner rentals.

BILL 201**1974**

**An Act to amend
The Ontario Energy Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 19 of *The Ontario Energy Board Act*,^{s.19(1), re-enacted} being chapter 312 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:
 - (1) Subject to the regulations, the Board may make orders ^{Rates} approving or fixing,
 - (a) just and reasonable rates and other charges for the sale of gas by transmitters, distributors and storage companies, and for the transmission, distribution and storage of gas; and
 - (b) just and reasonable standards, classifications, practices, measurements or service which shall be furnished, imposed, observed and followed thereafter by transmitters, distributors or storers of gas.
2. This Act comes into force on the day it receives Royal Assent.^{Commencement}
3. This Act may be cited as *The Ontario Energy Board Amendment Act, 1974*.^{Short title}

BILL 201

An Act to amend
The Ontario Energy Board Act

1st Reading

February 13th, 1975

2nd Reading

3rd Reading

MR. YOUNG

(*Private Member's Bill*)

CA2ON

XB

-B 56

BILL 202

Private Member's Bill

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23-24 ELIZABETH II, 1974

Government
Publications

**An Act to prevent post retirement integration of Insurance
Moneys and Pension Benefits with increases in
Government social security plans**

MR. LAUGHREN



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

EXPLANATORY NOTE

The purpose of the Bill is to prevent the reduction of moneys paid out under an insurance or pension plan because of a general increase or cost of living increase in a government social security plan with which it may be integrated.

BILL 202**1974**

**An Act to prevent post retirement
integration of Insurance Moneys and
Pension Benefits with increases in
Government social security plans**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

(a) government social security plan means,

(i) the *Canada Pension Plan* (Canada), R.S.C. 1970,
c. C-5

(ii) the *Old Age Security Act* (Canada), R.S.C. 1970,
c. O-6

(iii) the *Department of Veterans Affairs Act* R.S.C. 1970,
(Canada), c. V-1

(iv) *The Ontario Guaranteed Annual Income Act*, 1974, c. 58
1974, or

(v) *The Family Benefits Act*; R.S.O. 1970,
c. 157

(b) "insurance money" has the same meaning as defined in paragraph 32 of section 1 of *The Insurance Act*; R.S.O. 1970,
c. 224

(c) "pension benefit" has the same meaning as defined in clause g of subsection 1 of section 1 of *The Pension Benefits Act*. R.S.O. 1970,
c. 342

2. Notwithstanding the provisions of any other Act, no Prohibition
insurance money or pension benefit shall be reduced by reason of an increase in any payment made under a government social security plan.

Commencement **3.** This Act comes into force on the day it receives Royal Assent.

Short title **4.** This Act may be cited as *The Post Retirement Integration of Insurance Moneys and Pension Benefits Prevention Act, 1974.*

An Act to prevent post
retirement integration of Insurance
Moneys and Pension Benefits with
increases in Government social
security plans

1st Reading

February 13th, 1975

2nd Reading

3rd Reading

MR. LAUGHREN

(*Private Member's Bill*)

CA2ON
XB
-B 56

4TH SESSION, 29TH LEGISLATURE, ONTARIO
23-24 ELIZABETH II, 1974

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs



TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 203**1974**

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1975

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable ^{Preamble} Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1975; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$8,425,083,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1974, to the 31st day of March, 1975, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of March, 1975, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

- Accounting
for
expenditure **2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.
- Commencement
Assent. **3.** This Act comes into force on the day it receives Royal Assent.
- Short title **4.** This Act may be cited as *The Supply Act, 1974.*

SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor.	61,000		61,000
Office of the Speaker.....	6,364,500	992,000	7,356,500
Office of the Premier.....	1,191,000		1,191,000
Cabinet Office.....	1,234,000		1,234,000
Management Board.....	7,455,000		7,455,000
Office of the Provincial Auditor...	1,392,000		1,392,000
Government Services.....	224,766,000	33,600,000	258,366,000
Housing.....	225,152,000	103,000,000	328,152,000
Revenue.....	108,352,000	11,656,000	120,008,000
Treasury, Economics and Intergovernmental Affairs.....	403,904,000		403,904,000
Justice Policy.....	401,000		401,000
Attorney General.....	76,372,500		76,372,500
Consumer and Commercial Relations.....	32,993,500		32,993,500
Correctional Services.....	95,251,000		95,251,000
Solicitor General.....	98,336,000		98,336,000
Resources Development Policy....	486,500		486,500
Agriculture and Food.....	101,799,000	10,000,000	111,799,000
Energy.....	2,281,000		2,281,000
Environment.....	181,699,000	13,791,000	195,490,000
Industry and Tourism.....	41,345,000		41,345,000
Labour.....	14,049,000		14,049,000
Natural Resources.....	171,429,000	3,100,000	174,529,000
Transportation and Communications.....	785,358,000	14,540,000	799,898,000
Social Development Policy.....	977,000		977,000
Colleges and Universities.....	927,023,000	5,233,000	932,256,000
Community and Social Services....	646,979,000	30,385,000	677,364,000
Education.....	1,430,266,000	55,910,000	1,486,176,000
Health.....	2,342,335,000	213,624,000	2,555,959,000
TOTAL.....	\$ 7,929,252,000	\$ 495,831,000	\$ 8,425,083,000

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1975

1st Reading

February 14th, 1975

2nd Reading

February 14th, 1975

3rd Reading

February 14th, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

(*Government Bill*)

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